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ABSTRACT

This transcript contains the following: (1) statements of several Committee Members; (2) text of the proposed legislation; (3) a list of witnesses; and (4) statements, testimony, and supporting documents submitted by the witnesses. Numerous laypersons and professionals have their testimonies recorded, giving statements in support of and in opposition to passage of the bill. Witnesses include politicians, educators, police officials, medical professionals, National Rifle Association representatives, and religious figures. Includes a booklet prepared by the Center to Prevent Handgun Violence, newspaper clippings, and charts (U.S. & Wisconsin Juvenile Weapons and Murder Arrests; Age and Race Specific Arrest Rates for Selected Offenses, 1965-88; etc.). (MSF)

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S. HRG. 103-393

CHILDREN AND GUN VIOLENCE

ED 403 501

HEARINGS

BEFORE THE

SUBCOMMITTEE ON JUVENILE JUSTICE

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

S. 1087

A BILL TO AMEND TITLE 18, UNITED STATES CODE, TO PROHIBIT THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE

WASHINGTON, DC, AND MILWAUKEE, WI

JUNE 9 AND SEPTEMBER 13, 1993

Serial No. J-103-18

Printed for the use of the Committee on the Judiciary

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CHILDREN AND GUN VIOLENCE: IN NEED OF SOLUTIONS

WEDNESDAY, JUNE 9, 1993

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Herbert Kohl, chairman of the subcommittee, presiding.

Also present: Senators Biden, Moseley-Braun, and Cohen.

OPENING STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. This hearing will come to order this morning.

Over the last few years, while we have debated numerous crime bills, gun-related violence has nevertheless increased. Last year, roughly 15,000 Americans, including 3,000 juveniles, were murdered by firearms. Their lives were ended. Their family and friends were forced to grieve their deaths, and our whole Nation is bleeding as a result. The violence is killing all of us. It is killing our spirit, it is killing our hopes and, most sadly, it is killing our dreams.

A few weeks ago, I saw some very graphic evidence of the impact that violence is having on us. I got a letter from a fourth-grade teacher in Mequon, WI, Ms. Figg. In her letter, she explained that her class had been studying Martin Luther King Jr.'s "I Have a Dream" speech. One of the assignments she gave her students was to write their own "I Have a Dream" speech. It was, I thought, a creative assignment, and as I prepared to skim a few of the essays that she enclosed, I fully expected that these students from a prosperous suburban community would be dreaming of a future full of good jobs, nice homes, and happy families. But that is not what I read, not at all.

Many of the speeches, too many of the speeches, discussed far more basic dreams of the future. These kids dreamed of a future in which no more kids would be killed by guns. One student wrote, "Children are killing each other too much. We need to get guns off the street." Another child wrote, "I have a dream that kids can walk outside without worrying about someone killing them. I think guns are responsible for many children's deaths."

Others in the class had similar dreams and, sadly, the dreams of these children reflect the fears of many Americans. According to a Harris poll released last week, one in five Americans know a child shot by another child, and 77 percent of the respondents feel that young people's safety is endangered by so many guns.

Additional States tell an even more alarming story about how gun-related violence envelopes our young people. The National School Safety Center estimates that more than 100,000 students carry a gun to school every day; 100,000 students carry a gun to school every day. The leading cause of death for both black and white teenage boys in America is gunshot wounds.

From our central cities to our rural communities, for kids who grow up in poverty and kids who grow up surrounded by affluence, it is all the same—a world of threats and violence and death, a world that was chronicled in last week's USA Today, which compiled a week-by-week list of gun incidents in our Nation's schools this year. This is not the kind of world our children deserve. It is not the kind of world we ought to give them, but it is the world in which they live.

There is no simple solution for the problem of kids and guns—one that I have been concerned with ever since coming to this body 5 years ago. During the 101st Congress, I drafted the gun-free school zones bill, which is now putting people who bring guns near schools into jail. Today, I introduced the Youth Handgun Safety Act, which would make it a Federal crime to sell a handgun to a minor and for a minor to possess a handgun under most, but not all, circumstances. I am also a long-time backer of the Brady bill, and I expect it to be enacted this Congress. But the truth is that while these approaches are helpful, especially the Brady bill, they are not a panacea, and so we are here today to look at all aspects of the cure.

In this quest, we are fortunate to have a diverse group of witnesses from the law enforcement, medical, and educational communities, from Sarah Brady to the NRA. Though we may have different approaches on how to reduce gun violence that afflicts our children, we all agree that we do need to reduce it.

This hearing is an attempt to see if we can reach some consensus so that the students in Ms. Figg's fourth grade class will not have to dream of a world in which kids are safe from guns and violence. Instead, it will be a reality for them, a basic entitlement in their lives. Let the dreams of our children be as big as the dreams of Dr. Martin Luther King. Let them dream of a better future, not dread a present in which children are killed and maimed by guns. It is not something we can change overnight, but it is something that we can change. This is what the kids in Mequon and Milwaukee and every other community in our country and our Nation deserve.

[The text of Senate bill 1087 follows:]

II

103D CONGRESS
1ST SESSION

S. 1087

To amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 7), 1993

Mr. KOHL (for himself, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Handgun Safety Act of 1993".

SEC. 2. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for any person to sell, deliver, or transfer to a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to a temporary transfer to, or possession by—

"(A) a juvenile when the handgun is being used in target practice under the supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm or in the course of instruction in the traditional and proper use of the handgun under the supervision of such an adult; or

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty.

"(4) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5) A person who knowingly violates section 922(s) shall be fined not more than $1,000, imprisoned for not more than 1 year, or both.".

Senator KOHL. We are pleased to be here, and I am pleased to have my cochairman here this morning, Senator Cohen, who is the ranking member of this subcommittee.

OPENING STATEMENT OF HON. WILLIAM S. COHEN, A U.S. SENATOR FROM THE STATE OF MAINE

Senator COHEN. Thank you very much, Mr. Chairman. This is an important hearing. I see it as a complement to the hearing that was held yesterday, a joint subcommittee hearing trying to determine how we can put a stop, or at least restrain the level of violence that we see on television and its impact upon our children.

I think that we have to come to grips with the fact that we are living in an increasingly violent society, and it is not only related to guns. It happens in movies. It also happens on athletic fields. We watch the kind of suicide squads that take the field on a kickoff and they hurl their bodies, without any regard to safety, at that of an opponent, with the hope of not only dislodging the ball, but dislodging some vertebra or some other part of the anatomy. We see the rewards that we grant to basketball players—Shaquille O'Neal, for example, who can tear down the backboard at any given moment, and does Pepsi ads to emphasize that point of strength in the violent act of ripping the board down.

It is a problem we have to contend with throughout our society, and this urge to show strength is not something that is recent. It has been with us since man was born. It will probably continue to be with us, but it seems to me we have to try to develop in this country and in this world an ethic that rewards civility, that rewards not anger and violence, but kindness, and we don't have that right now.

We can point to virtually any part of the world and we can see the violence that is taking place, but that is not the subject of this hearing. To me, this hearing should not primarily be concerned or focused upon how children or youths acquire guns. We know it is illegal in our society to sell a weapon to a child. Ironically, it is not illegal for that juvenile to be in possession of the weapon. It is not necessary for young people to steal them. They can go to family or friends and acquire them. They can acquire them by gift and, of course, the line between a gift and what is merely a circumvention of a sale is fairly uncertain. We hope to deal with that in the coming hearings.

Where juveniles get the idea that it is acceptable to kill is the notion, I think, that is destroying the core of this country's values.

The problems of juvenile violence, we hope, could be easily solved by enacting tougher laws. I think that is unlikely, and so the problem, it seems to me, that we need to address is the underlying reasons why juveniles carry handguns in the first place.

Now, while this, again, is not the subject of this hearing, Mr. Chairman, I would suggest to you that there are some substantial disparities between those between the ages of 15 and 19 who are white and those who are black or Hispanic or other minorities, and I think that really pertains to another problem that is very deep-seated in this country, and that is racism. If you deprive people of the opportunity to have a part of the American dream, then they will find other ways in which to try to acquire it, not through legitimate ways or civil ways, but through violent ways.

That is a problem that we have to deal with in another hearing, but not at another time. As long as blacks are killing blacks, there is very little response to all of that. But when whites start to be caught in that crossfire, suddenly you see quite a different reaction.We see it right here in the city of Washington.

It is a problem that is endemic. We have to deal not only with the guns and the violence, but violence as a general subject matter, and I think underlying that the attitudes we have toward one another based upon race.

So I appreciate your holding the hearing, Mr. Chairman. I look forward to hearing from our colleague, Senator Chafee, who stands alone perhaps in the Senate in leading an effort which he believes will lead to a reduction of the availability of weapons.

Thank you, Mr. Chairman.

Senator KOHL. Thank you very much, Senator Cohen.

We do have as our first witness our friend and our colleague, Senator Chafee, who has long been active in this field. Senator Chafee, your legislation to ban handguns under most, but not all circumstances needs to be debated, but we are certainly glad that you are here today. Before you begin, I would just like to note that according to the latest Harris poll, as I am sure you know, a majority of Americans now favor congressional action on legislation such as the one that you support.

So we are delighted to have you this morning, Senator Chafee.

STATEMENT OF HON. JOHN CHAFEE, A U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. Well, thank you very much, Mr. Chairman and Senator Cohen. I appreciate the kind welcome you have given me, and I look forward to this opportunity to testify today.

Mr. Chairman, I want to commend you for your bill. You have been long active in this area, and I think your Youth Handgun Safety Act is a good move and I hope it achieves passage. I know Senator Cohen has been long interested in this area, and his statement about the motivation and the violence in our society is certainly pertinent to this discussion.

Now, Mr. Chairman, your statement summarized a lot of the statistics that are out there and I would just like to reinforce them, if I might. Currently, in the United States of America there are 70 million handguns circulating in our society—70 million, with 2 million being added every single year to that. Given the sheer number of these handguns, there is no place, apparently, in our society where a child can find a safe haven. They can't find it homes, they can't find it in the parks. They can't find it, tragically enough, in their schools, in their playgrounds, in malls, in streets, yards, or buses.

Just listen to these incidents. In College Station, TX, last December, a 5-year-old girl and a 7-year-old girl were caught in the middle of a gun fight at a shopping mall and were hit by three of the shots. A 14-year-old Chicago boy visiting his grandmother's home at Christmas was killed when a stray bullet ripped through her window and hit him in the head.

A 15-year-old was injured at Maryland's Addison Road Metro Station by another passenger who fired a 9-millimeter handgun. A 15-year-old, Alain Colaco—you will remember this incident, probably, it was just a year ago—Alain was weeding in his front yard in the District last August, when a stranger came up and fired a handgun repeatedly at him and killed him. He was 15 years old.

Exactly 1 year ago, a 6-year-old boy in Connecticut was riding the school bus home from kindergarten—if there is any safe place in the world, you would think it would be a kindergarten school bus—when he was hit in the head by a 9-millimeter slug when the bus drove through a fusillade of handgun shots from either side.

The home is a particularly dangerous place if a handgun is kept there for, quote, "self-protection." There is nothing more dangerous than having a handgun in a house. Each year, more than 500 children accidentally shoot themselves or a sibling with a handgun.

Last December in Miami, a 3-year-old was seriously wounded after being shot by his 14 year old brother who was playing with a .357 Magnum. In March of this year, a 3-year-old New York City boy suffered an apparent self-inflicted gunshot wound to the head. He was with his babysitter at her friend's house and a gun was there.

And children may impulsively use the gun that's kept in the home to commit suicide. Every year, nearly 1,500 children commit suicide with a gun, usually because the gun is right handy. Children, as you noted, Mr. Chairman, in that horrifying statistic that you gave, are bringing handguns to school. What the exact estimate is, I don't know. You indicated 100,000 children every day bring a handgun to school. My statistics showed 135,000—but whatever it is, it just is mind-boggling.

Over 100,000 youngsters in the United States of America bring a handgun to school every day. That doesn't mean the same ones bring it, but every day over 100,000 handguns are brought to school. And it is not just in the urban areas. Rural principals report more guns in their schools, and the results are tragic.

In January of this year, a Los Angeles boy was killed and another wounded in a high school classroom by fire from a gun brought to school by a third student. The .357 Magnum went off accidentally when he reached into his handbag. In Harlem, GA—not Harlem, NY; but Harlem, GA—a ninth-grader opened fire with a revolver in a school hallway, killing one teen and wounding another.

In my little State of Rhode Island, this year alone we have had nine school handgun incidents. Two days ago, on Monday, a 16-year-old Brooklyn student was chased by two older boys and shot multiple times at close range while he begged and pleaded for his life.

You quoted quite accurately that article from last Thursday's USA Today which recounts the incidents, starting with September, just this past school year of the shootings in schools. You have got the article right there, Mr. Chairman. I commend you for it. On and on it goes, and these events are becoming more and more prevalent.

Last week, as you mentioned, Lou Harris released a poll showing heavy public support for handgun control. This was a very interesting poll, Mr. Chairman and Senator Cohen. If you start at the bottom of the chart I brought, you will note the vertical columns. It says "yes" in the first one, "no" in the second, the question asked is: do you support handgun bans?

Chronologically, working upward from the bottom, March 1989, 41 yes, 55 no; a year-and-a-half later, 41, 55, exactly the same; a year-and-a-half after that, January of 1992, 41 yes, banning handguns totally, 56 no; and now Lou Harris, a year-and-a-half later, 52 percent yes, ban them all, and 43 percent no—an extraordinary change, due to the handgun slaughter that is taking place today.

What could bring it home more clearly than the fact that the largest cause of death amongst blackmale youngsters between the age of 10 and 34, is guns. Far more than disease or accidents or automobile accidents, whatever it might be, it is handgun deaths. Handguns are just killing a whole generation of young blacks.

Now, Mr. Chairman, you might say, well, that is our society, that is something that is happening in the rest of the world too. Well, the truth is it isn't happening elsewhere. What we are proposing in my legislation to ban all handguns isn't radical. Rather, what we have in this country is radical.

Look at this chart, if you might—showing gun murders, and most of those are handgun murders. Look at Japan, 90 of them in the course of an entire year; England, 60; Australia, 76. Canada has as much of a wild west tradition as we do. Yet they have 186 deaths by guns. And we in the United States have 14,300. The difference stems from the fact that in those other countries you cannot go out and just get a handgun. You can't pack a 9-millimeter on your hip and wander around. That is the entire difference: the availability of guns in the United States of America.

Mr. Chairman, I have proposed my Public Health and Safety Act, S. 892, which would ban the sale, possession, and manufacture of handguns and handgun ammunition, except in a few instances for collectors of antique handguns, the police, licensed security individuals, and the military, and handgun shooting clubs where the guns are kept under proper security.

So there it is, Mr. Chairman. Unless we act, I believe that every single family in America is soon going to be touched—by handgun violence. That doesn't necessarily mean a son or a daughter, but a nephew or niece or an aunt or an uncle. Somewhere, in every single family in America, there will be a death as a result of handguns in the very near future because of the prevalence of these guns. We have just got to get rid of them. Is it going to be easy? No, but the way to go on a long journey is to take the first step, and that is to ban the possession, the manufacture and the importation of handguns.

Senator KOHL. Thank you very much, Senator Chafee. That is great testimony. I want to ask you a question about your bill and its effect. If the bill were passed, what would happen the first or second or third time that somebody who was defenseless was murdered by someone who did not turn in their handgun? What would happen to public opinion? How would we proceed?

Senator CHAFEE. It is occurring now. Not every household has a handgun at present.

Senator KOHL. You have people who would turn in their guns?

Senator CHAFEE. Yes. There would be a 6-month moratorium in which we would pay the greater of either $25 or the appraised value of the gun, if it was more than that, from the U.S. Treasury. At the end of that 6 month grace period, there would be a fine and a criminal offense if anybody had a gun, if that person did not fall in those exempted categories that I previously mentioned.

Senator KOHL. What I am driving at is how would we handle public opinion if and when someone had turned in his gun, had complied with the law, and then let us say it was somebody in a home and, lo and behold, someone with a gun entered the home and wound up maiming or killing the inhabitants.

Senator CHAFEE. We may well have that situation, but what is the alternative? Are we going to continue in the situation we have now? The way to stop the handgun slaughter is to stop handguns, stop the prevalence of them. We are not going to get all 70 million handguns turned in in 6 months, but the way to do it is to start. That is the only way to curb this violence, this terrible slaughter that is taking place in our society.

There is one last thing I might like to do, Mr. Chairman. I noticed that the NRA is going to testify later, and I just want everybody to fully understand the second amendment. The second amendment, as quoted by the NRA, is "The right of the people to keep and bear arms shall not be infringed." What they don't mention is the first part of the second amendment, which says, "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." That has been universally interpreted by Federal courts to mean that the right of the people to keep and bear arms deals with those who are in a well-regulated militia.

Frankly, I have no argument with the National Rifle Association because my bill doesn't deal with rifles. It deals solely with handguns. And I think it is important for everybody to understand what the second amendment does say and mean because it is not fully explained frequently. I receive lots of letters on this, saying, oh, you are monkeying around with the second amendment of the Constitution. But not at all.

Senator KOHL. Thank you.

Senator Cohen?

Senator COHEN. Just a followup question on that point. Is it your interpretation, then, under the second amendment that only, let us say, the National Guard or perhaps police departments are constitutionally protected to bear arms?

Senator CHAFEE. That is right, only under a well-regulated militia. That is what the second amendment says, and this isn't John Chafee, legal expert, speaking. This is Warren Burger, Chief Justice of the U.S. Supreme Court; Erwin Griswold, whom you know well, a solicitor general and former dean of the Harvard Law School, and they are joined by others. We hit all sides of the spectrum. Former Judge Robert Bork says the same thing.

Senator COHEN. Were those in court decisions or individual opinions?

Senator CHAFEE. These were opinions, but they are based on a court decision starting way back with the *U.S.* v. *Miller* Supreme Court decision in 1939, and it has been consistent ever since then.

Senator COHEN. Even though your bill doesn't deal with rifles, it would be your opinion then, that no individual would have the "right" to own a shotgun or a rifle under the Constitution?

Senator CHAFEE. I want to make sure that I am not tangling with shotguns and rifles. I am solely dealing with handguns.

Senator COHEN. I understand.

Senator CHAFEE. But you are right. That is right. An entity, a community, a state, a township—in fact I think in Madison, WI, you had a referendum recently on it—can ban all guns consistent with the second amendment. In most countries in the world they do ban handguns, except under certain licensed conditions.

Senator KOHL. These countries that have handgun deaths of 100 or less—they all have very, very restrictive laws?

Senator CHAFEE. They certainly do.

Senator KOHL. Are the comparable to what you are proposing?

Senator CHAFEE. Yes. I mean, they are very, very strict. Mine would probably be a little more generous in that antique collectors, and security personnel and handgun shooting clubs would be permitted to have handguns if they followed certain regulations, and the guns were kept in a secure place, and so forth. I provide for that in the bill. In these other countries, you wouldn't see those exceptions.

Senator KOHL. Well, thank you very much.

Senator CHAFEE. Thank you, and I commend you for what you are doing and wish you the best of luck. Thank you.

Senator KOHL. Too often, congressional hearings feature experts and academics, but no one who has experienced this issue first-hand. So that is why we are especially pleased to have as our first witness Jennifer Ramsay. Jennifer is 24 years old. She is a native of Clarksville, MD, and a recent graduate of the University of Maryland who works in the District. This very courageous young person is going to tell us about her personal experience with youth-related handgun violence.

Jennifer, we are glad to have you with us. Would you like to begin?

STATEMENT OF JENNIFER RAMSAY

Ms. RAMSAY. Good morning. My name is Jennifer Ramsay. Thank you for inviting me to speak to you today about today's growing juvenile crime problem and how it affected me personally.

Three years ago, I was just your average college student. I believed that crime just happened to people involved in drugs, people outside of my world. I believe that is how most people think, that nothing can happen to them, that they will never become victims of criminal acts. My illusions were shortly shattered.

My boyfriend, Carl Krogmann, was a manger of a Domino's Pizza store in Landover. We were leaving to go out of town one Saturday night and he decided to drop off one last pizza on our way out. We pulled up to the house for delivery and he went to the door. He was almost instantly shot by a 16-year-old boy with a handgun, without his money even being taken. My friend, Carl, died within 2 minutes in my arms before help could even get there.

Within 48 hours, the two suspects were arrested. They were found because they had gone to school and bragged about the incident. The boys were 16 and 18 years old. I spent 9 months in the court system testifying as the only witness to the event. The 16-year-old was a son of a 20-year veteran of the District of Columbia Police Force. He was convicted. He received life, plus 20 years, and was sent to the maximum security prison in Baltimore. But we recently found out that he has been transferred to Patuxent Place in Jessup, MD, for rehabilitation after only 3 years and is eligible for parole in 10 years.

Losing a loved one is devastating. Having to watch a loved one die is something I will never forget. I would never want anyone to have to go through what I did, but learning to pick up your life afterwards is even harder. I dropped out of college for a year-and-a-half. I spent 9 months in court testifying. His family lost a part of them that they can never replace.

The victims and survivors can go on living, but they never forget the pain and grief of losing a loved one. One becomes afraid to do simple things—go out in the dark, take a walk, be alone in your own house at night. I don't believe one should have to live like that, but in today's society it is impossible to do otherwise. Crime and violence can happen to any one of us at any time.

I don't believe there is a perfect solution to the problem of our growing crime, especially among juveniles, but I do believe there are steps in the right direction that can make a difference. Gun control laws, especially the ones like the Brady bill, are effective in controlling the purchasers of weapons. Kids with guns are becoming an increasingly larger problem. We should start with the minors in order to help the problems with the adults.

Stricter punishments in the justice system would also help in controlling the violence. Especially in the juvenile system, criminals rarely serve their full term—an example is my own case—and many become repeat offenders. Maybe if we help reform the growing number of juvenile offenders, it could prevent more in the future.

I am not saying that any of these are perfect solutions, but I believe that any laws that are passed are a start in the right direction.

Senator KOHL. Well, thank you very much, Jennifer. We are pleased to have you with us here today. I would assume that you think it is very important that we do pass legislation like this to prevent minors from being able to possess handguns?

Ms. RAMSAY. Yes, I do.

Senator KOHL. Did your experience cause you to lose any faith in our American legal system?

Ms. RAMSAY. Not necessarily lose faith, but I do believe that changes need to be made.

Senator KOHL. All right. I thank you.

Senator Cohen?

Senator COHEN. The justice system in this country is often criticized for being insensitive to the victims of crime and being more preoccupied with protecting the rights of those accused of having committed the crimes. I would like to know what your experience was in the court system. After spending 9 months as the only witness to come forward in this case do you feel that the courts or the prosecutors or the judges were sensitive to the victims; namely, yourself and the family of your loved one.

Ms. RAMSAY. I believe that the rights of victims in the court system have come a long way in recent years. I was treated very fairly, but the court systems do lean more toward the rights of the defendant.

Senator COHEN. Let me ask you, did you learn anything about this young man who apparently did not come from a deprived environment? He was the son of a 20-year veteran on the District of Columbia Police Force. I assume that he led a middle-class life, and was not one who grew up in desperate poverty. What did you learn about him during the course of this trial in terms of his motivation?

You testified about how the authorities learned who was responsible by the young men bragging about having shot your boyfriend, but what did you learn about this individual?

Ms. RAMSAY. I think the most shocking thing I learned about him all the time in court we spent was that he didn't show any remorse for what he had done. He wouldn't own up to the fact that he had shot a—his claim was it was an accident, and therefore he should not be punished for pulling the trigger and killing an innocent person. Especially during his sentencing, which is done 6 months after the trial, he showed absolutely no remorse in what he had done and believed it was all a mistake.

Senator COHEN. What about the 18 year old?

Ms. RAMSAY. He showed a little bit more remorse and was therefore given a lighter sentence.

Senator COHEN. Do you think that this reduction in the sentence was brought about by the influence of his family?

Ms. RAMSAY. I would hope that the justice system wouldn't do something like that, you know, reduce someone's penalty, but I don't know.

Senator COHEN. So you have no idea why there has been a reduction that would him eligible for parole in about 10 years?

Ms. RAMSAY. No, I don't.

Senator COHEN. I listened to what Senator Chafee said and what you have said here, and it reminded me of my favorite songs by Richard Harris, "The Yard Went on Forever." Part of the lyrics he sings is "is everybody safe, has everybody got a place to hide?" The answer is no. None of us are safe. None of us have a place to hide as long as this type of violence continues to sweep this country.

Thank you for your testimony. It has been very impressive.

Ms. RAMSAY. Thank you.

Senator KOHL. Thank you very much, Ms. Ramsay. Our next panel is composed of experts in three fields—education, health care, and law enforcement. Janie Hatton is the principal at Milwaukee Tech High School, and she was recently recognized as the National Principal of the Year. Janie Hatton has been an educator for more than 2 decades, and all of us in Milwaukee are really proud of Janie Hatton.

Dr. Alex Haller is a professor of pediatric surgery at the Johns Hopkins Children's Center in Baltimore, and the Director of the Maryland Pediatric Trauma Center. He has more than 30 years of experience as a pediatric surgeon.

Dewey Stokes, a frequent visitor to this committee, is the National President of the Fraternal Order of Police, which has nearly 250,000 members. He has been a policeman and a law enforcement official for more than 20 years. So we are happy to have you here, Mr. Stokes.

We are happy to have all three of you. Ms. Hatton, would you like to speak?

PANEL CONSISTING OF JANIE R. HILL HATTON, PRINCIPAL, MILWAUKEE TRADE AND TECHNICAL HIGH SCHOOL; DEWEY R. STOKES, NATIONAL PRESIDENT, GRAND LODGE, FRATERNAL ORDER OF POLICE; AND DR. J. ALEX HALLER, JR., PEDIATRIC SURGEON AND DIRECTOR, MARYLAND PEDIATRIC TRAUMA CENTER, AND PROFESSOR OF PEDIATRIC SURGERY AND EMERGENCY MEDICINE, JOHNS HOPKINS CHILDREN'S CENTER

STATEMENT OF JANIE R. HILL HATTON

Ms. HATTON. Senator Kohl, I compliment you on having the integrity, tenacity, the will and the foresight, and most certainly the bottom-line guts to introduce this type of proposal to support America's youth or youth who visit this country.

We in schools are under siege. As a principal, as a parent, and as an American citizen of 43 years, I support what you are doing and will do my utmost to help articulate it and to help promote it and advance it until it becomes a law. Senator Cohen, your comments and the song that you recalled helped me to recall a song about Frankie and Johnny.

Snap, crackle and pop. This is not cereal anymore; this is gunfire in our schools, in our athletic events, on premises, on buses as our children are conveyed from one neighborhood to another, at their fun activities. Most kids are wonderful people. Some children are troubled.

I want to share with you some bad vibes I have had in the last several years, but before doing that, I bring you greetings from Milwaukee Trade and Technical High School, a school that is 83 years old and most recently recognized as a U.S. School of Excellence from the Office of Education.

In growing up in Hot Springs, AR, I never saw a gun in my home. I am from a very impoverished background. That is no excuse to say one has to resort to violence. My most violent act probably has been as a mother when I say no to certain things.

I dedicate my remarks to young people who have fallen by gunfire and not in any war or because they were involved in any militia. I respect the Constitution of this country. I have hopes one day that it will be applicable to all of us in the truest sense. I am not a member of the militia. I don't think most of us ever will be, and there are certain apparatus that should be maintained by people who purport to be in the militia and/or our agencies of governance for us for our own safety.

I remember K.K., Chris, Sean, Calvin, Greg, Rodney, better known as 5,000, in the streets. There is a code of caring that is happening in the street, and it is a proliferation of gang activity and nongang activity. Carrying a gun or a handgun or having access to one is a point of honor among many young people, male and female.

I looked as Ms. Ramsay spoke, a most plausible witness in the eyes of most Americans, a white female. I am an African-American female. I, too, am plausible. My record speaks for itself. I look at the violence; it knows no discriminatory barriers demographically, socioeconomic, or in interest—athletic, academia, or in at-risk categories.

I have been a principal of this particular school for 2 years, a principal at Alexander Hamilton High School for 5 years. I was a community superintendent for 2 when I realized my passion for education belonged in a school. I need children in my life immediately around me.

I have been a French teacher and a counselor. Never before have I been so concerned that when I leave my driveway, I pray every morning and I read the 23rd psalm as my guiding shield for my children, my staff, myself, and my child. We are not talking about private, public, parochial, or home training in education. Again, no barriers are known.

We must keep kids away from guns, and keep guns away from kids, and ammunition a far distance. In my drawer at Milwaukee Tech, commonly known by many Americans and people in this world as Boys Tech, I have some ammunition that I just found and one of the kids brought to me off the grounds. We are nestled in an industrial-base community, but it is old and underutilized in its industrial sense. It is basically home to approximately 30,000 Hispanic families and some white families. My kids come from all over Milwaukee and some suburban spots.

I speak as the principal of Milwaukee Tech, but while the national principal of the Year for the first time, and sponsored by the National Association of Secondary School Principals and Metropolitan Life Insurance Company, I read a lot. I have friends all over the country. We talk the same talk.

June 1992, close to the end of the school year, approximately 100 of my kids were standing on Third and National waiting for their bus to pick them up and take them north, south, or west. Shots rang out in a bank parking lot. My kids know that we are out there. When I say "we," I am referring to my three security people, my assistant principals, and some teachers who volunteer their time, and many parents. There is also an elementary school two blocks away from our front door.

The shots that rang out came from not a car, but gang members standing on the premises shooting randomly at my kids, and they struck someone, a student who was on her way home with a friend. She did not know these people, they did not know her. She was injured, but so were some other people. Thank God, she didn't die, but are we counting deaths or are we counting incidents? I think we should top counting by enacting some policies and laws that will make a difference, a distinct difference.

Arrests were made. However, there were immediate releases of these people because the witnesses had one of the greatest human elements contained within them—fear. They would not testify, and that is a truth in the community. As the kids say in the hood, you don't talk if you want to walk.

Now, many of you live in the comfort of your home, but it could be you the next time. It was stated earlier, it is someone you know or you know remotely. But for me, I love all kids, I love all people, but when I find that someone has been maimed or killed, it is a different set of circumstances.

I want to talk about December 19 at Milwaukee Tech High School on the second floor, by room 261. Our day ends for my kids at 2:43 p.m. At approximately 2:42 p.m., the teacher stood by the door preparing for the kids to exit. Like most schools, kids are raring to go; they don't wait for the bell to ring and to say you are dismissed. Kids are geared up to say at the end of the day, I am out of here.

Well, as they were getting ready to leave this reading classroom, simultaneous to this preparation for exist, there was an outsider who entered our doors. We have 69 doors you can enter. I don't have money to staff every door to keep people out. You cannot lock all doors. Fire codes exist, so there are some constraints.

One of my students was in the hallway conducting some business with a pass. If you don't have a pass in the hallway, you will probably be stopped by someone. This outsider confronted my student and he said, I will shoot you, and he used a verbatim that I won't use in these halls, but he swore at him.

The teacher heard this, looked, and she saw the gun. Now, the bell is ringing because a minute has passed. It is dismissal time; the hall is crowded with kids. I have the largest school in Milwaukee public schools, 1,851 students and 173 adults.

In this particular hallway, every kid takes drafting. There, you will have on any floor approximately 300, 400 kids in this corridor. As this is happening, the shot rings out. The kids hear it and they run like wild fire. They come rumbling down, many of them to the office. They stop at several spots along the way to tell teachers, let me in, let me in. Teachers step out to keep the kids in. Teachers are risking their lives.

By the time it gets to my door, many kids, because they are immune to these shots—it is part of what is happening in America. It didn't happen to me, it is not business, I am going on to the bus stop. Kids are leaving. One girl is walking with her friend, who happened to have been in the hallway.

Particularly among young teenagers today, the athletic tennis shoe is very important, right? No one wants a dirty tennis shoe, and that is with all kids. If you see a little, small nick or a mark on a shoe, they don't want it because it is messed up. You and I think it is a good shoe still.

This girl happened to notice her friend. She said, oh, you have a hole in your shoe, a nick, not even measurable, except in drafting terms. She said, oh, dang. They walk to the bus stop, which is three blocks from school. As the young lady gets on the bus and takes her seat, sits in the back with the kids—and they are gunning each other, and they use that now as a word to say and plan jokes.

She said, my foot is hurting, and she complained because the pain was excruciating. Her friend ignored her. She said, my foot is hurting, and one kid said, I bet you got shot. She said, no. By the time she had ridden the bus five miles to her neighborhood, and the friend who had noticed the nick in the shoe was her neighbor was well, she got to the door of her mother's house and fell in and said, I have been shot. Her mother called 911 for an emergency rescue squad to come and get her.

Now, this is about close to 4:00. I am still at my desk. I get a phone call from the neighbor of the child who saw the nick by saying, Ms. Hatton, one of the students was shot at school, when I say, no, you are wrong, there was no one who was injured. That is an example of what is happening. This kid had been shot and not aware of it.

What it does to a principal and teachers—the next day, I have to make sure I am at school probably by 6:00 a.m., and prepare a statement for my staff and get them together, and particularly the group of teachers who rally to support anything immediately. And we forget about education because we then think in terms of will the person who did the shooting—can we identify him, because the police have been involved already, but the kids who know—the pattern has been set. They will either call you or write notes to get it to you.

My day starts being an FBI agent. I have to do inquiry, investigation, and looking at how we can get the kids comfortable because those kids who return to school have questions and shakiness in them. A lot of kids will not return. Their parents, rightfully so, wonder what has happened because the papers will have it, and the newspapers report urban incidents more so because the newspapers are stationed in urban areas.

I say this succinctly to say the day begins with having to write a note to teachers, meet with all staff who will deal with this issue. I have to also have classroom teachers lock their doors, which is very uncommon in our schools. And, second, I have to talk to my kids, and you can't play games and tell little fancy stories. These are young people who know what is going on. We then must deal with an aftermath. Our moneys in our schools are being spent on mourning, crisis response time, and having security scans checked.

We must posture ourselves to make a difference. Our platform banks on economic constraints and imposition on instructional opportunities. First and foremost, for any school to be safe, there are variables and caveats of what is called excellent schools, and that is safety. Safety must be the number one order of any organization.

Thank you.

[Ms. Hatton submitted the following:]

PREPARED STATEMENT OF JANIE R. HILL HATTON

Greetings, from Milwaukee, Wisconsin, specifically, Milwaukee Trade and Technical High School, a recently recognized U.S. Office of Education Exemplary School. I am Janie Hatton, a principal in a Milwaukee, Wisconsin Public School with 21 years of educational experience. I have been a principal for seven years and a community superintendent for two. Even though my title is principal, I am always first and foremost, a teacher. I appreciate this opportunity to address you and to tell you of my reasons for supporting the bill before you. I am not happy to recant the number of gun related incidents that I know of in my school district or across the country. Many gun related incidents have been thrust upon me for my management. Principals across America have the same malady. We, as educators are under seize.

We are proud to laud The Honorable Senator Kohl, who introduced the bill that is the subject of today's hearing. He is enabling some child to reclaim their right to life. Today, you, the members of this body are compelled to face the issue and structure a cohesive response from a dual perspective.

KEEP KIDS AWAY FROM GUNS

KEEP GUNS AWAY FROM KIDS

I would like to share a few of the incidents that I have had to face during my principalship. In all that I do, I must recent those experiences that advanced me to this august body of electeu officials. I will chronicle the following remembrances:

June, 1992, at the close of school and one block away from school on the parking lot of a bank, four gun shots rang out and one injured an Innocent bystander who is a student in our school. Arrests were made and immediate releases were granted because witnesses refused to testify, due to one of the strongest human emotions, fear. This incident impacted approximately 85–100 youth who were either at the bus stop or enroute to their homes.

December 11, 1992, hear the end of the school day, an intruder entered our school and confronted one student who was in the corridor conducting school business. The two had an unpleasant exchange. Stimultaneous to my kids exits from their classes, this intruder fired the gun in the hallway and to our knowledge (school officials, teachers), no one was injured. Assessments were made, student witnesses comforted and questioned by staff and police. We said what a tragedy to an otherwise wonderful day. At approximately 5:00 p.m., I received a call at my desk from one of my parents who told me that one of the students had been shot in the left toe and was in the hospital. I indicated to her that that was not the case. She emphatically told me that my student, a 14 year old Freshman had been informed that her shoe had a nick (small mark) on it. The student boarded the bus and began to experience excrutiating pain in her foot. A friend surmised that she (the student in pain) had indeed been shot.

Four Milwaukee youth were slain December 19, 1992 by a ring of young drug runners. The kids' death resembled "TheSt. Valentine's Day Massacre."

January 24, 1993, a senior student went to a cafe at approximately 1:30 a.m. In the school community and was allegedly disrespected by members of an opposing gang after being slapped twice. The senior student left the cafe and made a telephone call to some of his friends. These friends arrived and gunshots were fired in the restaurant. Two people are killed (an opposing gang member and a chauffeur) and one was injured because of the shooting. The senior student called me and informed me that he was underground and would not return to school. He asked that I communicate this to multiple others for their safety. Deployment of those youth to other school sites or states (parent choices) was done immediately.

Thursday, May 27, 1993 one of my students while enroute home at approximately 11:00 p.m. witnessed an attack on a businessmen enroute to his home after a meeting. The man was stopped his car for a red light. Meanwhile, three youths had just left a movie that had been shown at a shopping mall and felt the urge to emulate what was proclaimed to be the movies theme, JACKING. They believed that they, too, should "jack" someone. It had to be premeditated because one youth had a gun on his person while at the movie; another youth went to a home to purchase a weapon, but was not able to make the transaction. This information was printed in our local newspaper.

The data from Milwaukee Public Schools Office of School Safety is provided for your information. This data references the number of guns confiscated that also warranted expulsion from Milwaukee Public School.

Slogan will not do it. JUST SAY NO! HOW LUDICROUS! NOW THE BULLETS ARE DOING THE TALKING AND PALLBEARERS ARE DOING THE WALKING.

Milwaukee Public Schools

REFERENCE: Division of Student Services

The following information is provided to you for your review as it relates to the 1992-1993 school year. Cited below are the numbers of preliminary expulsion hearings and actual expulsions processed in the Milwaukee Public Schools for student found to be in possesion of guns in our schools or on school property.

Preliminary Expulsion

123

Actual Expulsions

42

A reference was made to the types of weapons retreived by the Milwaukee Police Department that support the numbers referenced above.

pellet guns, .25 calibre, .22 calibre, ..32 calibre, .38 calibre

GUNS CONFISCATED/EXPULSIONS

SEPT 1989 THRU FEB. 1990	SEPT. 1990 THRU FEB. 1991	SEPT. 1991 THRU FEB. 1992
SAWED-OFF SHOTGUN *	HANDGUN	PELLET GUN
.32 CALIBER HANDGUN	.32 HANDGUN	REPLICA W/THREATS
.22 CALIBER HANDGUN	.22 SEMI-AUTO HANDGUN	PELLET GUN
HANDGUN	PELLET GUN	9MM HANDGUN
.38 HANDGUN	.25 AUTOMATIC	PELLET GUN
.22 HANDGUN	.22	PELLET GUN
.38 HANDGUN	PELLET GUN	.22 HANDGUN
.32 HANDGUN	.25 HANDGUN	SAWED-OFF SHOTGUN
.22 HANDGUN	.38 HANDGUN	AUTOMATIC HANDGUN
.22 HANDGUN *	.22 HANDGUN	BB GUN *
.32 HANDGUN	.25 HANDGUN	PELLET GUN
.32 AUTOMATIC *	.22 SEMI-AUTO	HANDGUN *
.32 HANDGUN *	HANDGUN *	.357 MAGNUM
.38 HANDGUN	.38 SAWED-OFF HANDGUN	PELLET GUN
.25 HANDGUN *	GUN	.25 AUTOMATIC
.25 HANDGUN	STARTER PISTOL	.32 AUTOMATIC
.25 HANDGUN	GUN	HANDGUN
.38 HANDGUN	.22 HANDGUN	.25 HANDGUN
SHOTGUN	.25 PISTOL	.38 DERRINGER
SHOTGUN		BB GUN
9MM PISTOL		9MM HANDGUN
CO-2 PELLET		BB GUN
.25 HANDGUN		.38 SPECIAL
.25 HANDGUN		BB GUN

* MORE THAN ONE STUDENT INVOLVED

APRIL, 1992

Senator KOHL. Thank you very much, Ms. Hatton.

Mr. Stokes, could you limit your testimony to 5 minutes?

STATEMENT OF DEWEY R. STOKES

Mr. STOKES. Sure, Senator, and I will try and summarize. But, first, I brought a couple of extra books with me to give to you and your cochair, Senator Cohen, and whoever else on your committee you deem appropriate. It is a summary of some additional information so that we do not center just on one issue today, and if you would take those books.

As we get into our testimony today, I would like to offer some suggestions, I think, as we go through today. First of all, thank you for inviting the National Fraternal Order of Police and I, as national president, to testify on this issue, an important piece of proposed legislation.

I just finished some in-service training and was confined with some of our officers throughout my county for a day or so yesterday, and I can tell you, as a general rule, they support the position and the statements that I am about to give.

In general, we know, the line officers that are working the streets, that our juvenile criminals are definitely getting bolder, more aggressive, and they have the lethal fire power to back up those statements that the principal here alluded to.

The surge of violence and the killing power is getting to be carried out regularly. The days of the fist fight and the old zip guns are gone. There are sophisticated weapons and the violence is disproportionately among the youth. We see a desperate increase in the youth today taking lives from the age of 13, and in New York recently, even as low as 7 years old, carrying guns for protection and using those weapons.

One thing that we talked about is in the homes, in the schools—and I also said as vice president of my Boys and Girls Clubs of America—and I get an opportunity to deal with our children in the inner cities, single-parent families, and talk about some of the problems that we have there. So the problems are prevalent, and they are prevalent not just in urban, but in suburban.

In the modern-day society, the problems that we encounter are the movies, the song lyrics, and the virtual toughness about violence. As an example of that, in this booklet you will see that I quoted the rap song from Ice T. We recently protested the advocating of their song and the vulgarity of the song in bringing about the death.

I also ran across in the Milwaukee Journal four teens implicated in the slaying of a Greendale, WI, man. They went to see the movie "Menace II Society." In "Menace II Society," the friends and three others were inspired by the movie and they got all fired up. So when they went to the street, one of the boys that went to the movie carried a .25-caliber handgun with him, and from the movie they were all hyped up. They planned to gun down someone to carry out the objectives of that movie. They got the idea from the idea and they gunned down a 50-year-old businessman on the street. That is contained in this booklet.

So it is not just an issue of society passing laws. It is an issue about society's responsibility to our youth. What we need is type of legislation that is uniform throughout the country. There is a lack of continuity of laws, which you will see in the exhibits that I have placed in the booklet.

The availability of weapons is there. How do we deal with those 70 million weapons? Well, here is one way. We ought to be advocating trigger locks for these guns and do what Mosburgh does, perhaps, where they distribute this type of lock with each of their rifles that they sell. Maybe we ought to be talking to manufacturers about doing that. I honestly believe that manufacturers would take those steps because manufacturers don't want to see their weapons illegally or misused either.

These are the types of boxes that the Fraternal Order of Police—and here in the District, I know that our lodge gave these lock boxes out to each of our members in this District. This box will hold a weapon in the home, and when you lock it, you lock it and just merely switch the lock and it locks the gun up safely. We try to get every police officer in the country to use these for their service weapon or their off-duty weapon or their or their backup weapon.

The violence in America must stop. The youths that are being killed, the availability of these weapons is leaving us not only with, as the principal alluded to, death, but what about those that are wounded? I have sat with the American Pediatrics Association on this. The wounding of those children, the rehabilitation of the children, and the impact it has on the family—I think we have to look at the victims of crime. When you see a young child sentenced today, the gangs are using the younger children to use them as hit persons in these gangs because they know it is cheaper to defend those individuals. They are not going to go to prison and stay in prison.

In most States, if they are convicted before they are 21 as a juvenile, they can only remain in prison until they are 21 and then they are released, regardless of the crime. So we have got to look at how to prevent these children from getting the weapons, how to immobilize these weapons when they are in the home, because you, as a father, as an uncle, as a grandparent, don't want to see your child or a neighborhood child enter your home and use a weapon that they find in that home to injure themselves, to kill a neighbor, or to use that gun improperly in a robbery or a murder such as occurred here in Wisconsin.

These issues are near and dear to law enforcement, and we would like to see some information disseminated in gun education, in courses that we have like we have in Ohio, and many, many other States—I believe 47 out of 50—now have mandatory hunting courses to teach children about firearms. You have to have a supervised firearm and a parent or a guardian with you when you go out into the field to hunt, and you must pass a supervised course.

So I will leave myself open to questions so I don't run over your time. But I am trying to summarize my statement and the book, and I believe the statement will speak for itself and I would like to enter the book as additional proof.

[Mr. Stokes submitted the following:]

PREPARED STATEMENT OF DEWEY R. STOKES

Good morning Mr. Chairman and members of this distinguished subcommittee. It is always an honor to have the opportunity to appear before you on legislation and issues which are important to the law enforcement community.

My name is Dewey Stokes. I am the national president of the Fraternal Order of Police, the largest organization of rank-and- file law enforcement professionals in the United States. Today, I appear on behalf of our 248,000 members located in 45 states to speak about the growing problem of juvenile violence, the proliferation of firearms, and the relationship between these two dynamics.

I understand that you will hear testimony this morning from a number of experts in their respective fields of expertise who will be able to cite an array of statistics about juvenile violence and the widespread availability of firearms. I will let these individuals provide the statistical underpinning for the problem that is the focus of these hearings. What I will share with you are some of the general perceptions held by my members; observations made by cops who are on the streets daily and who face the reality of what we will talk about this morning in the abstract.

As a general rule, it is the belief of most line officers that today's juvenile criminal population is getting bolder, more aggressive, and more lethal in terms of the firepower now available to them. In addition to this observation, most officers working the streets will tell you that there appears to be a virtual explosion over the last several years of violent crime being committed by juveniles against each other and against society at-large. With this surge in violent crime has been a corresponding increase in the types and "killing power" of the firearms that these kids now regularly carry with them.

Beyond the fact that violent crime is being committed more and more by kids is the reality that their victims are also increasingly younger as well. Furthermore, the witnesses to these crimes of violence are disproportionately young themselves. The cumulative impact that this circle of terror has on our youth is still unknown, but certainly no one can doubt that it is and will be pervasive for some time to come.

The anecdotal evidence from our officers appear to be substantiated by a recent (1991) U.S. Department of Justice study on crime in America. In that study, it was found that of all individuals arrested for murder nationwide, slightly over 30 percent were under the age of 21. Of that 30 percent grouping, at least half were under the age of 18.

What police on the streets are seeing is nothing short of a national epidemic of violence involving firearms perpetrated by kids, against kids, and in front of kids. What is especially tragic is that this collection of perpetrators, victims, and witnesses are all increasingly younger in age—no longer are we talking strictly about the 16 to 21 year old age bracket. Our officers report that they are dealing with children in middle schools or just barely into high school.

In a modern day society where popular movies and song lyrics extol the virtues of proving your "toughness" through violence or, in some instances, the killing of police officers, is there really any wonder that these young adults are doing anything but reflecting the behavior they see paraded before them under the guise of "entertainment"?

This unfortunate trend is, as might be expected, bringing the classrooms of America into this circle of terror as well. The U.S. Department of Justice recently estimated that approximately 100,000 students carry firearms, usually handguns, into our schools each day. Consider the following:

> In some schools in Los Angeles, Long Beach, and Oakland, school administrators have created something called "Yellow Code Alerts." These alerts are similar to air raid drills of the early 1960's when, upon some prearranged signal, students will quickly take a prone position on the floor of their classroom with their hands over their head—the better to avoid ricocheting bullets from ongoing nearby gun battles.
>
> In one other school in California, after a teacher was nearly killed from a stray bullet, a high wall was erected between the school and a housing project immediately adjacent so that the gunfights next door to the school would no longer pose a direct threat to students or faculty while in the classroom attempting to learn.

We should not make the mistake in thinking that this problem is limited to schools in disadvantaged or urban neighborhoods—guns are a fact of life for students in affluent communities like nearby Langley High School in McLean, Virginia or in Saratoga Springs, New York. Finally, our officers report that the epidemic of firearms in schools is not confined to just high schools—weapons, even of a sophisticated nature, are being found in middle and elementary schools across this Nation.

The response of school administrators and law enforcement agencies at the local level have been predictable—more security patrol personnel, stricter access controls; yes, even metal detectors at school entrances—but certainly not sufficient to provide a safe environment in which our children can learn. This "armed camp" atmosphere is hardly the most conducive setting in which to educate our children. The scope and nature of the problem presented by the proliferation of firearms in our schools is apparent and real. What are the causes of this development and, more importantly, what are some of the solutions?

There is no doubt but that the causes of this set of problems are multifaceted in nature. Factors such as poverty, a breakdown of the traditional family structure in poor and wealthy homes alike, an increasing view of violence as a way to address problems or gain respect, a lessening of the value of another's life, and a criminal justice system that is anything but just: *all* contribute to the moral decay of our society and the legacy that we pass on to our children.

On a more practical level and speaking solely from a law enforcement perspective, the confusing and contradictory array of state (and sometimes local) laws governing the open possession of a handgun by a minor aggravates the present situation by preventing officers from taking all steps possible to safeguard society at-large. Moreover, the Federal statute on point effectively permits the sale or transfer of a firearm to a minor by someone who is not a federally licensed dealer, thus further complicating the job of a police officer.

It is my understanding, Mr. Chairman, that you will be introducing needed legislation on this point which would prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile. The FOP shares your concerns and commends you and this subcommittee for both recognizing the problem and seeking a solution. The FOP pledges to work with you and your colleagues in crafting a final legislative product that resolves this issue in a manner acceptable to all sides.

Beyond a Federal and perhaps state legislative response to this problem are a range of other options which should be utilized:

1. Diligent adult supervision at all times when a firearm is being used by a minor;
2. Increased education initiatives for firearms handling and safety precautions targeted toward minors;
3. Mandatory hunting safety programs for minors;
4. The fostering of more awareness as to the availability of gun lock boxes and triggerlocks to immobilize firearms when not in use (perhaps gun manufacturers could be prevailed upon to include information on these devices when their products are packaged for sale instead of just inserting membership applications for the National Rifle Association).
5. Finally, the recognition by adults who keep firearms at home that their children, their grandchildren, and their friends are at potential risk unless serious thought and attention is given to placing these objects out of harm's way.

Chairman Kohl, on behalf of the FOP, I again applaud you and this subcommittee for holding this hearing and elevating the level of awareness about this serious issue. Your leadership and initiative this morning can perhaps make a difference and save both the life of a child as well as that of an officer.

Thank you very much for your time and I would be pleased to answer any questions which you or the subcommittee may have.

As Introduced

120th General Assembly
Regular Session
1993-1994

H. B. No. 356

REPRESENTATIVES CAMPBELL-BOYD-WHALEN-TROY-PRENTISS-CAIN-
RANKIN-DOTY-THOMAS-BOGGS-PRINGLE-MILLER-CARR-TROY

A BILL

To enact sections 2923.211 and 2923.212 of the Revised Code to prohibit storing or leaving a loaded firearm so that a child under 16 years of age obtains possession of it, to require firearm dealers to post and distribute notices of the prohibition, to require the Department of Education to develop a firearm safety course for schools, and to require the Department of Taxation to recommend to the Department of Education a plan for an increased tax on firearms to provide funds to pay for the course.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.211 and 2923.212 of the Revised Code be enacted to read as follows:

Sec. 2923.211. (A) NO PERSON, WHO KNOWS OR REASONABLY SHOULD KNOW THAT THERE IS A SUBSTANTIAL RISK THAT A CHILD MAY GAIN ACCESS TO THE LOADED FIREARM WITHOUT THE PERMISSION OF THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD, SHALL NEGLIGENTLY STORE OR LEAVE A LOADED FIREARM IN A MANNER THAT RESULTS IN A CHILD OBTAINING THE LOADED FIREARM WITHOUT THE PERMISSION OF THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD.

(B) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

(1) A PERSON WHO CARRIES A LOADED FIREARM ON HIS BODY OR CLOSE ENOUGH TO HIS BODY TO ENABLE HIM TO RETRIEVE AND USE IT AS EASILY AND QUICKLY AS IF HE CARRIED IT ON HIS BODY;

(2) A PERSON WHO SECURES A LOADED FIREARM WITH A TRIGGER LOCK OR STORES OR LEAVES A LOADED FIREARM IN A SECURELY LOCKED

BOX OR CONTAINER, IN A LOCATION THAT A REASONABLE PERSON WOULD BELIEVE TO BE SECURE;

(3) A PERSON WHOSE LOADED FIREARM IS OBTAINED BY A CHILD AS A RESULT OF AN UNLAWFUL ENTRY BY ANY PERSON ONTO THE PREMISES ON WHICH THE LOADED FIREARM WAS STORED OR KEPT;

(4) A PERSON WHOSE LOADED FIREARM IS OBTAINED BY A CHILD WHILE THE CHILD IS ENGAGED IN A LAWFUL ACT OF SELF-DEFENSE OR IN A LAWFUL ACT IN DEFENSE OF ANOTHER PERSON;

(5) AN OFFICER, AGENT, OR EMPLOYEE OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES OR A LAW ENFORCEMENT OFFICER WHEN A CHILD OBTAINS POSSESSION OF THE OFFICER'S, AGENT'S, OR EMPLOYEE'S LOADED FIREARM DURING OR INCIDENTAL TO THE PERFORMANCE OF THE OFFICER'S, AGENT'S, OR EMPLOYEE'S OFFICIAL DUTIES.

(C) WHOEVER VIOLATES THIS SECTION IS GUILTY OF NEGLIGENT STORAGE OF A LOADED FIREARM, A MISDEMEANOR OF THE FIRST DEGREE.

(D) AS USED IN THIS SECTION, "CHILD" MEANS ANY PERSON UNDER SIXTEEN YEARS OF AGE.

Sec. 2923.212. (A) NO PERSON WHO SELLS OR TRANSFERS FIREARMS AT RETAIL SHALL FAIL TO DO EITHER OF THE FOLLOWING:

(1) POST IN A CONSPICUOUS PLACE AT EACH LOCATION AT WHICH HE SELLS OR TRANSFERS FIREARMS, THE FOLLOWING WARNING IN BOLDFACE TYPE WITH LETTERS NO LESS THAN ONE INCH IN HEIGHT:

"IT IS UNLAWFUL AND PUNISHABLE BY IMPRISONMENT, A FINE, OR BOTH IMPRISONMENT AND A FINE FOR ANY PERSON TO STORE OR LEAVE A LOADED FIREARM IN A MANNER THAT RESULTS IN A PERSON UNDER SIXTEEN YEARS OF AGE OBTAINING THE LOADED FIREARM WITHOUT PERMISSION OF HIS PARENT, GUARDIAN, OR CUSTODIAN."

(2) GIVE TO EACH PERSON WHO BUYS OR IS TRANSFERRED A FIREARM A WRITTEN COPY OF THE FOLLOWING WARNING IN BOLDFACE TYPE WITH LETTERS NO LESS THAN ONE-FOURTH INCH IN HEIGHT:

"IT IS UNLAWFUL AND PUNISHABLE BY IMPRISONMENT, A FINE, OR BOTH IMPRISONMENT AND A FINE FOR ANY PERSON TO STORE OR LEAVE A LOADED FIREARM IN A MANNER THAT RESULTS IN A PERSON UNDER SIXTEEN YEARS OF AGE OBTAINING THE LOADED FIREARM WITHOUT PERMISSION OF HIS PARENT, GUARDIAN, OR CUSTODIAN."

(B) WHOEVER VIOLATES THIS SECTION IS GUILTY OF SELLING FIREARMS WITHOUT A WARNING ABOUT PROPER FIREARM STORAGE, A MISDEMEANOR OF THE SECOND DEGREE.

Section 2. The Department of Education shall develop a proposed course of study covering firearms safety for use in all public elementary and secondary schools in this state. The Department of Taxation shall recommend to the Department of Education a plan for an increased tax on firearms to provide funds to cover the cost of the course. No later than ninety days after the effective date of this act, the Department of Education shall submit to both houses of the General Assembly the proposed course of study and proposed legislation for increasing the tax on firearms and for implementing the course of study in all public elementary and secondary schools in this state.

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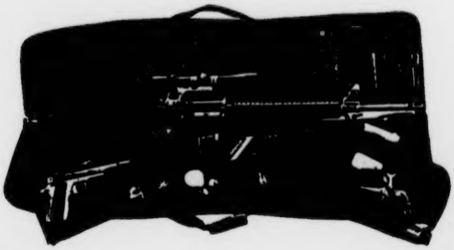

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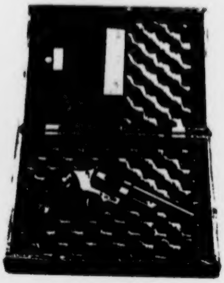

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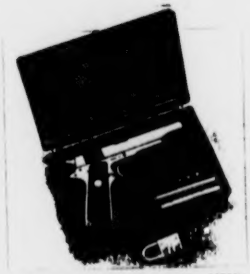

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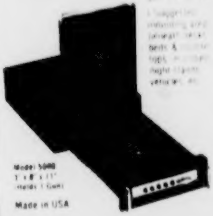

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Child safety gun bill puts onus on parents

By **BENJAMIN MARRISON**

PLAIN DEALER REPORTER

CLEVELAND

State Rep. Jane Campbell wants parents to keep guns away from their children, and she hopes a proposed law she recently introduced will prompt parents to store loaded guns in a place inaccessible to children.

If they don't, mom and dad would be responsible under Campbell's legislation if their child gets hold of their gun.

At a City Hall press conference yesterday, Campbell, D-11, of Cleveland, said her "child safety bill" would subject parents to jail time and fines for not keeping loaded firearms away from children under the age of 16.

"We cannot protect our children completely from interaction with guns," Campbell said. "(But) if you own a gun, you have to be responsible for it."

In addition to penalties for negligent parents, Campbell wants the state education department to require schools to teach gun safety and require gun dealers to post notices informing parents of their responsibility.

The legislation to create the crime of "negligent storage of a loaded firearm" mirrors that approved in seven other states and recently passed by Cleveland City Council.

City Prosecutor Barbara J. Danforth said two people have been prosecuted under Cleveland's law. She said although some people have expressed disappointment with the low number of prosecutions under that city ordinance, she's pleased.

"I would like to think that the cases that we don't see are the ones that are important," she said. "The parents, the family members who in fact locked up guns, who put trigger locks on guns, those are the cases that I don't see. And if that is happening, which I'm sure it has, that is how this law is being effective."

Council President Jay Westbrook, D-18, believes this law should already be on the books in Ohio. He's seen too much blood spilled in Cleveland, particularly that of youths.

Last Christmas, Westbrook and other city officials gathered in the rotunda of City Hall to place about two dozen wooden crosses under an undecorated pine tree. Each cross represented a child who died in Cleveland from gunfire.

"We in this community don't want to be in a position where we're attending funerals and memorials," Westbrook said. "Adults have a responsibility to the children."

Campbell hopes to have the proposal approved by the end of this legislative session. She said she introduced a similar measure two years ago that died in committee after the National Rifle Association lobbied against it.

THE PLAIN DEALER, THURSDAY, JUNE 3, 1993

2 movies inspired violence, report says

MILWAUKEE JOURNAL

MILWAUKEE

Four teens implicated in the slaying of a Greendale, Wis., man "got ideas" from two movies about winning power and respect through violence, delinquency petitions indicate.

The youths saw one of the films — "Menace II Society" — hours before Roger Buchholz, 50, was gunned down last week, the petitions say.

Immediately after the slaying, the boys quoted lines from the other movie, "Juice," according to the petitions. That movie was shown in Milwaukee in January 1992.

The 17-year-old owner of the gun used in the slaying told police that after seeing "Menace II Society," "he and the friends he was with were inspired by the movie and that he got fired up and got ideas from it." The movie has been described as a violent, bleak portrayal of young black males in South Central Los Angeles.

The 17-year-old who police think fired the shots was accused in the petition of first-degree intentional homicide, attempted armed robbery and possessing a dangerous weapon. The 17-year-old gun owner was accused of felony murder. Two other youths — boys 14 and 15 — were accused of possessing a dangerous weapon.

The 15-year-old told police "that on the bus ride home from the movie, they were all hyped up from the action in the movie" and concocted a plan to rob someone at gunpoint. One of the boys had brought a .25-caliber handgun to the movie.

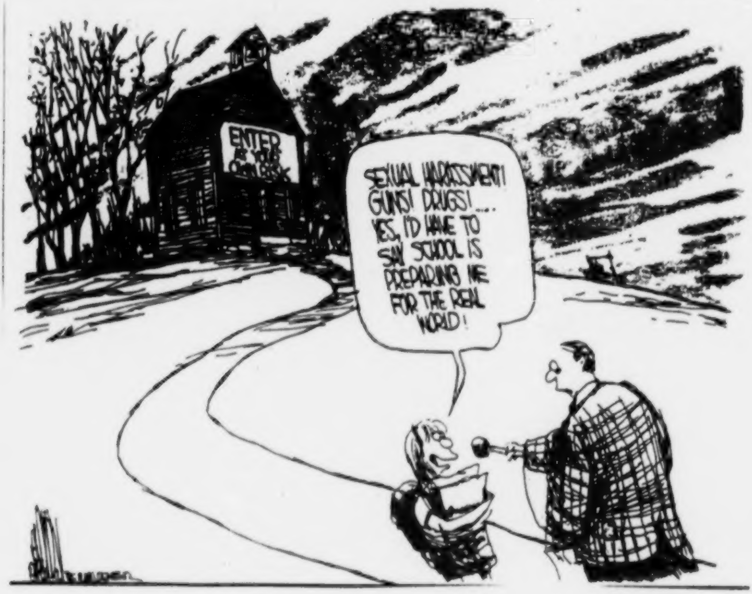
The four discussed robbing a cabdriver, then saw Buchholz stopped at a traffic light. Buchholz, a vice president for Success Business Industries here, had attended a business meeting downtown earlier in the evening.

According to two of the youths, the gunman walked up to the car and spoke to Buchholz. The car accelerated and went through a red light, and the youth fired four shots. The youth accused of being the gunman admits firing twice but says he dropped the gun and heard two more shots as he was running.

The 15-year-old told police that after Buchholz was killed, the gun owner said to the gunman, "You got the juice," a phrase from the movie "Juice" that refers to killing people.

The boy said the gunman replied, "I guess I should get my stripes for this."

THE PLAIN DEALER, THURSDAY, JUNE 3, 1993


ENTER AT YOUR OWN RISK
SEXUAL HARASSMENT! GUNS! DRUGS!.... YES, I'D HAVE TO SAY SCHOOL IS PREPARING ME FOR THE REAL WORLD!

THE WASHINGTON POST
TUESDAY, MARCH 12, 1991

Gun Pipeline: From Ohio To Streets of Philadelphia

Case Said to Point Up Gaps in Firearms Laws

By Michael Isikoff
Washington Post Staff Writer

PHILADELPHIA—Ruben Floyd's gun-buying spree began slowly last April, when the former Purdue University linebacker began showing up at the Loading Bench sports store in Canton, Ohio, to check out the semiautomatics.

"At first, maybe he'd come in once a month and buy two or three [handguns] at a time," recalled store manager Tony Giovannelli. "Then he'd start calling up, saying, 'How many of these do you have? How many can you get?'. . . . And he'd come in and wipe out what I had in stock. You're talking 20 to 30 guns at a time. . . . He never did give a reason."

The reason was crystal clear in the drug-infested neighborhood where Floyd lived in northeast Philadelphia. Over the past year, federal law enforcement officials said, Floyd became the city's most prolific gun trafficker, transporting carloads of high-powered semiautomatic handguns—purchased over the counter from sports stores in Ohio—and peddling them here to crack dealers and drug gangs.

Floyd's alleged activities, outlined in two federal indictments and court papers filed last week, provide a window into the flourishing interstate gun market and its role in fueling the surge of gun-related violence that afflicts many U.S. cities.

As Congress prepares for a new debate on crime and gun control, the case also illustrates the impu-

See GUNS, A4, Col. 1

■ *President couches familiar crime package in patriotic theme. Page 14*

One Man's Alleged Handgun Pipeline: From Ohio to Streets of Philadelphia

GUNS, From A1

ity with which gun traffickers exploit loopholes in federal regulations and weak, inconsistent state gun laws to import weapons into the inner cities, according to officials here.

Floyd, who U.S. attorney Michael J. Baylson last week called "the number one gun supplier" to Philadelphia street gangs, was arrested last May on a minor weapons possession charge and released on bail.

But for three more months he continued to stock up on semiautomatic weapons, buying at least 86 firearms in Ohio—a state that requires neither waiting periods nor background checks for handgun purchasers, according to a federal indictment and court papers.

Floyd, 34, was indicted on federal firearms charges last August in Ohio. But he was released on bail and continued to sell weapons from his home here, according to federal agents. On Feb. 28, he was rearrested by federal agents and charged in a new 19-count indictment with transferring weapons across state lines and knowingly selling them to drug dealers.

"When we arrested him, there was a crowd of people standing around his house . . . and they all applauded," said Josephine S. Kaufman, chief of the Bureau of Alcohol, Tobacco and Firearms' Project Achilles, set up to target weapons violators. "Most people in the neighborhood knew what was going on, but they were scared."

Mark Greenberg, Floyd's lawyer, said last week his client has pleaded not guilty to the charges and that the government has produced no evidence Floyd sold guns to drug dealers. He said Floyd, being held in pretrial detention, was a legitimate businessman who operated a restaurant cleaning business. "I can tell you he's an honorable man, he's got a loving family and he's a hard worker," the lawyer said.

Federal officials, who spent nearly a year investigating him, said Floyd represents a relatively new and alarming phenomenon on the urban drug scene: an independent gun entrepreneur who took advantage of the burgeoning demand for firepower among city drug traffickers. While closely affiliated with, and selling guns to, one of the black drug gangs in his neighborhood, he simultaneously tapped off rival Hispanic gangs and sold guns to them, the officials charge.

"He was a mercenary," said Jack Reiles, the special agent of the Philadelphia BATF office. "He was instigating animosity between the gangs and selling to all sides."

"With him a lot of it was ego," said another law enforcement official. "He wanted to be the big man in the neighborhood. You got one of the worst dope-dealing neighborhoods in the city there. Anybody can get you the dope, but who can get you the guns?"

Law enforcement officials said they have identified at least 140 firearms that Floyd imported into Philadelphia: light, easy-to-conceal pistols like the Raven 25; small 9mm weapons that can be equipped with silencers; and Tec-9s, lethal U.S.-made Uzi-lookalikes described by one agent as an "all-time favorite" among drug dealers.

Operating out of a small row house, Floyd used a grinding mill to obliterate the serial numbers on the weapons and make tracing difficult, agents say. He then sold the guns at hefty markups: The lightweight Ravens that went for $50 in Ohio sold on the street here for $250. The powerhouse Tec-9s, $200 apiece in Ohio, were sold here for $500 each.

The markups produced large profits: Floyd owned two BMWs and a Jaguar and had "boxes" of gold chains and watches, according to a federal agent who searched his house. Although Floyd was allegedly involved in the drug business, "some of our witnesses said he was making more money on the guns than on his drugs," said one investigator.

Law enforcement officials now believe some of these weapons were used in a rash of shootings and homicides that have turned Floyd's neighborhood into the most violent in the city. Last December, a key federal witness was murdered nine days after he agreed to testify against Floyd. Police Commissioner Willie Williams said last week he also believes one of Floyd's guns may have been used in the Feb. 6 murder of police officer Daniel Boyle, 21, gunned down by a fleeing robbery suspect who fired eight rapid shots into his patrol car. The murder weapon: a 9mm semiautomatic pistol with its serial number obliterated.

Federal officials say Floyd reflects a larger national trend that is among the most frightening problems in law enforcement. As homicides reached record levels, exceeding 23,000 across the country last year, the interstate trafficking of firearms has risen sharply.

Street gangs and other organized groups have entered the business, employing front men to make "straw" purchases and using "mules" to transport large caches of weapons across state lines, officials said.

Last year, the BATF opened up more than 400 gun-smuggling investigations, a 35 percent increase over 1989. Some involved movement of as many as 100 assault rifles and semiautomatic pistols. "What we're talking about is the arming of criminals," said Jack Killorin, BATF chief of public affairs. "These [guns] are not going to your harried homeowner for self-defense. . . . They are specifically intended for your inner-city youth gangs and professional narcotics organizations."

Many cities where the guns end up have strict gun control laws. The District, with the highest homicide rate in the country, forbids the purchase of handguns. Philadelphia, with a citywide record 524 murders last year, requires a police permit to carry a handgun. State law also requires a three-day waiting period on handgun purchasers.

But officials say the Floyd case shows how easy it is evade those laws.

Floyd chose to purchase his weapons in Ohio in part because he had strong roots in the Canton area: He grew up in the city and was a star high school football player who won a scholarship to Purdue; his mother still lives in Canton.

But he also benefitted from Ohio's lax gun laws. The absence of waiting periods has made Ohio a key "source" state—along with Florida, Texas, and Virginia—for handguns used in crime in major East Coast cities, according to federal prosecutors and BATF figures.

"We've had a fairly high incidence of people coming from New York and Detroit and other cities to buy handguns in Ohio," said Sam Yannucci, assistant U.S. attorney in Akron.

Federal prosecutors charge that between February and August of last year, Floyd made 10 visits to two Canton area sporting goods stores, buying between three and 31 weapons on each trip. On three other occasions, he paid an associate between $10 and $50 to make "straw" purchases of a total of 71 weapons for him.

Every time, Floyd filled out a BATF form affirming that he did not have a criminal record and that he was a resident of Ohio, listing his mother's address as his residence, officials charge. The store owners also filled out "multiple purchase" forms reporting the sales to the local BATF office in Youngstown.

RUBEN FLOYD
. . . indicted on firearms charges

These forms aroused the interest of Ohio BATF agents, but they were unknown to a separate group of BATF agents in Philadelphia, who last March first traced to Floyd a gun recovered from a drug dealer.

Ohio's records were unknown in Philadelphia because Congress, in its annual appropriations bills, has barred BATF from establishing a computerized data base of gun purchasers. Such a data base would be "a precursor to confiscation" of firearms, said James Jay Baker, chief lobbyist for the National Rifle Association, which has backed the restriction.

Agents say the restriction was one of their biggest obstacles in the Floyd investigation. "It's frustrating as hell," said Tom Bowen, the case's chief BATF investigator. "We would have gotten to him a hell of a lot quicker."

Agents in Philadelphia also question the attitude of the sporting goods stores that were selling Floyd and his associates weapons. The indictment charges that Floyd and his "straw" purchaser, a man named David Sheegog who has pleaded guilty in the case, bought more than 100 handguns from just one store—the Loading Bench in Canton.

But store manager Giovannelli said he never asked Floyd why he was buying the guns and when Floyd ordered weapons he didn't have in stock. "I'd call up and order them. . . . It's not really my business [to ask questions]," he added. "The less I know, the safer I'm going to be."

That attitude resembled Floyd's, according to one agent who discussed the matter with him. "I sell [guns] for defensive purposes, so the gangs can protect themselves," the agent quoted Floyd as saying.

Asked how he felt about all the homicides the guns caused, Floyd replied: "Once I sell them, that's not my problem," the agent said.

COVER STORY

Kids, guns: 'It's shoot or be shot'

A week by week look at the toll from a very violent school year, **6A**

By Andrea Stone
USA TODAY

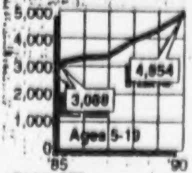
In the closing days of the school year, amid class picnics and proms, two Murphysboro, Ill., boys got into a fight in the junior high gym.

Police say a 13-year-old pulled a gun and shot a 14-year-old. The same day, May 17, a 14-year-old student at a Princeton, W.Va., high school took 20 people hostage and fired a shotgun at the principal.

[illegible] days later, Jason Michael Smith, 15, of Red Hill, Pa., [illegible] charged with pulling a handgun from his book bag to kill Michael Swann, 16, at Upper Perkiomen High School.

This was not an isolated week. Since school opened in September, not a week has passed in which a loaded gun

Number of firearm and related deaths:



Source: CDC

100,000 kids take guns to school every day.

160,000 stay home because of fear.

18% are related to drugs or gangs.

15% involve ongoing disagreements.

13% are accidents while playing or cleaning guns.

12% are over romantic disagreements.

10% result from fights over personal property.

Source: Justice Dept.; Center to Prevent Handgun Violence

By J.L. Albert, USA TODAY

COVER STORY

Continued from 1A

was absent from class — often with deadly consequences.

Whether for protection, status or as a way to deal with problems, more kids are packing guns to school. The Justice Department says 100,000 children take guns to school every day; 160,000 more stay home because of fear. And though schools have armed themselves with everything from metal detectors to conflict mediators, many worry they're outgunned.

"Schools are supposed to be safe places where you concentrate on learning, not surviving," says Northeastern University criminologist James Alan Fox. But now, "more kids feel they need to be armed."

Tamika Parker knows the fear. Her friend, Michael Shean Ensley, 17, was shot to death Feb. 22 by another student in a hallway of Los Angeles' Reseda High. "I know a lot of people carrying guns to school," says Parker, 16. "If I had one I'd probably carry it myself. ... I need to protect myself."

Ensley was one of three teens killed in Los Angeles school shootings this year. But guns aren't just a big city problem.

When a 14-year-old student brought a gun to scare a romantic rival at a Feb. 4 basketball game at Langley High School in affluent McLean, Va., "It had a sobering effect," says principal Joseph Arangio. "We think these things don't happen to us but they do. They're part of our society."

School officials say it's impossible to shield their campuses — especially when so many guns come from parents' drawers.

And officials say that when guns are brought to school, it has little to do with what's going on in the classroom.

According to the Center to Prevent Handgun Violence:

- 18% of school gun incidents are related to drugs or gangs.
- 15% involve long-standing disagreements.
- 10% result from fights over personal property like jackets.

Some are just accidents and others are romantic squabbles.

"Kids are hotheads," says Northeastern's Fox. "Most incidents involve spontaneity, arguments that escalate."

Adds Michael Casserly of the Council of Great City Schools: "Adults have set a very bad example. This is as much a problem of adults being violent and showing violence to children as it is a problem with our kids."

Students also report it's easy to get a gun when they want it. An American Medical Association poll last year found a third of high school students say they have easy access to guns.

A poll of Seattle high school juniors found nearly half of boys claimed they could get handguns easily and 11% owned a firearm. Most said they could get guns from friends, street dealers or at home. In rural areas, where hunting is popular among both parents and students, guns are easy to come by at home.

"There are lots of guns out there," says Mike Gonroff, principal of Saratoga Springs (N.Y.) Junior High School, where a student was suspended March 3 for bringing a .38 caliber revolver to class. "We're treating it very seriously."

In Amarillo, Jeannie Lucas has been concerned since her daughter witnessed a 17-year-old student open fire in a hall at Palo Duro High, wounding six. "Every morning before she goes to school I pray to the Lord to keep her safe," she says.

School officials are increasingly concerned about the numbers of students who use guns to cope with problems. "Fist fights seem to be obsolete," says Vickie Grant, Milwaukee school safety director. "It's at the point of shoot or be shot."

School districts in New York, Los Angeles, San Diego, Oakland, Dade County, Fla., and New Jersey now teach the dangers of guns as early as pre-kindergarten. Others have started mediation programs to resolve differences before they fester.

Since students at Duvall High in Greenbelt, Md., began mediating peers' problems three years ago, officials say fights and suspensions are down 50%. Says Vanessa Gilliam-Collier, DuVall's adult mediation coordinator: "We help them peacefully settle their problem without resorting to violence."

But others offer different solutions. New York state Attorney General Robert Abrams this week urged lawmakers to stiffen penalties for gun possession on school grounds.

More schools have turned to locker sweeps, security guards, identity cards, jewelry bans and metal detectors. At least 45 school districts use hand-held detectors.

"It takes students a while to get into school with metal detectors but we have to face reality. Guns are out there," says school official David Rudd of Chicago, where walk-through detectors are available in all high schools. "It's a matter of keeping the learning environment safe."

Others disagree. The American Civil Liberties Union Wednesday said Los Angeles should stop using metal detectors and review its policy of automatically expelling students who bring guns to school. Instead, the ACLU urged, schools should teach students how to resolve conflicts peacefully.

"Metal detectors do nothing but create false barriers," says Peter Blauvelt, chairman of the National Association of School Safety and Law Enforcement Officers. "It becomes a game for kids: 'How can I beat them?' "

Many do, says Mike Bunu, a senior at Los Angeles' Reseda. Though detectors were bought after this year's killings, "They can't track down every gun. There are at least 12 entrances."

Officials admit detectors aren't foolproof and, as Fox notes, they "remind kids on a daily basis how vulnerable they are."

Says Chicago's Rudd: "Metal detectors are not a panacea. They can only do so much. A lot depends on what messages children are receiving once they leave school."

Contributing: Sally Ann Stewart

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WEAPONS IN THE CLASSROOM

Week by week, guns take a toll in schools

AP

AP

IN RED HILL, PA.: At left, Jason Smith, 15, is escorted to arraignment May 24 on charges of first-degree murder and voluntary manslaughter in the shooting of Michael Swann, 16, above, at Upper Perkiomen High School.

Since school opened in September, not a week has passed during which guns were absent from the nation's schools.

No one agency compiles intentional or accidental shootings involving students, but these incidents — from news reports and police — offer a week-by-week look at school violence this school year. (Cover story, 1A)

Sept. 7-11: Amarillo, Texas. A 17-year-old student opens fire Sept. 11 in a Palo Duro High School hallway with a .38-caliber pistol, wounding six students. A seventh student is trampled in the panic.

Sept. 14-18: Jacksonville, Fla. A 14-year-old student shoots his 10th-grade girlfriend in the back at Englewood High School Sept. 15. He surrenders moments later with a small-caliber semiautomatic pistol.

Sept. 21-25: Columbia, S.C. A 10-year-old boy is severely injured after three boys, carrying machine pistols, open fire Sept. 22 on the basketball court of Pine Ridge Middle School.

Sept. 28-Oct. 2: Rochester, N.Y. A 17-year-old student shoots another student in the arm with a small-caliber handgun Sept. 30 as they argue between classes in a hallway at John Marshall High School.

Oct. 5-9: Houston. A gang fight among students at Northbrook High Oct. 8 leaves 16-year-old Luis Meza dead and another student in the hospital with shotgun wounds. The shootout took place on a nearby elementary school playground.

Tucson Citizen via AP

Oct. 12-16: Tucson. Oscar Daniel Leon, a 16-year-old student at Desert View High School, is shot and killed Oct. 13 with a .22-caliber pistol in the school parking lot.

Oct. 19-23: Houston. A ninth-grader at Barbara Jordan School for Careers is shot Oct. 22 in the thigh with a .25-caliber pistol she says she found in a classmate's backpack.

Feb. 15-19: Des Moines. A 13-year-old student at Harding Middle School is suspended Feb. 16 after the principal finds a loaded .22-caliber semiautomatic handgun in the student's waistband.

Feb 22-26: Los Angeles. A 17-year-old student, Michael Shean Ensley, is shot and killed by a 15-year-old student Feb. 22 in a crowded hallway of suburban Reseda High School.

March 1-5: Los Angeles. A 14-year-old boy is shot in the buttocks as he walks home from Mary McLeod Bethune Junior High School March 1.

March 8-12: Manassas Park, Va. A 13-year-old boy accidentally shoots a classmate in the right thumb and upper thigh with a .22-caliber semiautomatic pistol March 9 at Manassas Park Intermediate School.

March 15-19: Harlem, Ga. A ninth-grader opens fire March 18 in a Harlem High School hallway, killing 15-year-old Rodricas Gibson and injuring a student.

March 22-26: Dale City, Va. A 16-year-old is jailed March 26 for carrying an unloaded .38-caliber handgun at Gar-Field High School.

March 29-April 2: Westminster, Calif. Two students at McGarvin Intermediate School are arrested April 2 after officials find them with a gun and planning after-school robberies.

April 5-9: Las Cruces, N.M. A seventh-grader at Zia Middle School shoots another 14-year-old student April 8 while in the crowded schoolyard.

April 12-16: Atlanta. A 16-year-old student at Alonzo Crim Comprehensive High School is shot in the foot April 14 as he walks through a hallway.

April 19-23: Painesville, Ohio. A 15-year-old student is suspended April 22 from Harvey High School after bringing a .38-caliber revolver to class.

April 26-30: Mount Prospect, Ill. Three students are suspended at River Trails Middle School April 30 after a 14-year-old aims what appears to be a .25-caliber handgun at a teacher's head and pulls the trigger.

May 3-7: Shreveport, La. A loaded .22-caliber pistol is taken from a first-grade student at Forest Hill Elementary School during recess.

May 10-14: Irving, Texas. A 17-year-old student is shot May 14 by another 17-year-old while walking in a hall at Nimitz High School.

May 17-21: Princeton, W.Va. A gun-wielding 14-year-old student fires at his principal May 17 and takes 30 people hostage at Princeton High School before being disarmed.

May 24-28: Red Hill, Pa. Jason Smith, a 15-year-old student at Upper Perkiomen High School, pulls a 9mm semiautomatic handgun in a biology class May 24 and kills 16-year-old Michael Swann, a fellow student.

Compiled by Tish Wells, Lynette Constantinides, Jennifer Campbell, Mary Smeragliuolo and The Associated Press

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Teen deaths by guns set record in '90, report says

WASHINGTON (AP) — Nearly 4,200 teen-agers were killed by firearms in 1990, more than ever before, the government reported yesterday.

Health and Human Services Secretary Donna Shalala called the statistics "frightening and intolerable."

Only motor vehicle accidents kill more teens and young adults than firearms

Only motor vehicle accidents kill more teens and young adults than firearms, the National Center for Health Statistics said. One in every four deaths among those aged 15 to 24 in 1990 was a firearms fatality.

Thirty-nine percent more deaths occurred from firearms than from natural causes.

The firearms homicide and suicide rates for young men were five to 10 times higher than for females. Among all 15- to 19-year-olds, there were 4,173 firearms deaths in 1990, a rise of nearly 600 over the year before and 1,676 more than in 1985.

The rate for black males in that age group has soared to 105 deaths per 100,000 in 1990 from 37 per 100,000 in 1985. Among white males, it nearly doubled from five deaths per 100,000 to almost 10.

Lois A. Fingerhut was the author of the study on "Firearm Mortality Among Children, Youth and Young Adults, 1-34 Years of Age."

She said there were 19,722 firearms deaths among children and young adults in 1990, and 37,155 deaths by firearms among Americans of all ages.

Richard Aborn, president of the Center to Prevent Handgun Violence, said the United States had rushed to the aid of children starving in a far-off land, but "where is the intervention needed to save the children who are dying needlessly right here in the U.S.A.?"

LEON

Oct. 26-30: Little Rock, Ark. Twelve students and their teacher at McClellan High School scramble for cover as gunshots shatter the glass door of their classroom on Oct. 26. An 18-year-old and 15-year-old later are arrested.

Nov. 2-6: Richardson, Texas. Sean Patrick Cooper, a 17-year-old student at Berkner High School, is forced from his car near the school parking lot after a Nov. 6 football game. He is then shot and killed. Eleven people, including students from a rival school, are arrested.

Nov. 9-13: Chicago. Willie Clayborn, a seventh-grader at Sherman Elementary School, fatally shoots himself Nov. 10 in front of classmates while playing with a gun brought from home.

The Chicago Tribune
CLAYBORN

Nov. 16-20: Chicago. Fifteen-year-old Delondyn Lawson, a student, is shot and killed Nov. 20 at Edward Tilden High School on the South Side. At Marshall High School on the West Side, weapons seizures and arrests of students lead to a melee during a pep rally that causes gym wall to fall, injuring 13 students.

Nov. 23-27: New Britain, Conn. The school superintendent on Nov. 24 asks police to come to New Britain High School and two middle schools after shots are fired during a school dance; four students are arrested with loaded guns.

Nov. 30-Dec. 4: Philadelphia. A 14-year-old pulls out a sawed-off shotgun in the crowded South Philadelphia High School cafeteria on Dec. 1 and hands it to a 15-year-old student, who shoots a 17-year-old student in the leg.

Dec. 7-11: Irvine, Calif. A 17-year-old student at SELF Alternative School is shot Dec. 8 by a fellow student with a .38-caliber handgun. The shooting, which took place in a nearby parking lot, is the second gunfight involving students at the school in three weeks.

Dec. 14-18: Walton, N.Y. A 16-year-old shoots English teacher Virginia Wilcox in jaw with .22-caliber rifle at O'Neill High School Dec. 14 after she refuses to let him read a poem.

Jan. 4-8: Leola, Pa. A 15-year-old student at Pequea Valley High School accidentally shoots and kills 17-year-old student Timothy Stauffer with a pistol Jan. 8.

Jan. 11-15: Miami. An 18-year-old senior, Conroy Robinson, is shot and killed by another student after arguing outside Norland High School Jan. 12. Police say it's the 80th incident involving firearms at Dade County schools this school year.

AP
PENNINGTON

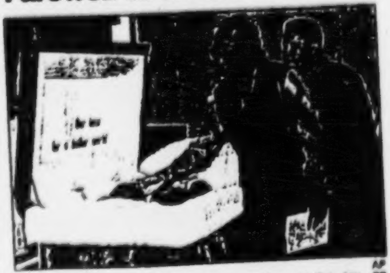
Jan. 18-22: Grayson, Ky. Gary Pennington, 17, carrying a revolver at East Carter High School, holds a high school class hostage Jan. 18, then shoots and kills teacher Deanna McDavid and custodian Marvin Hicks in front of students.

Jan. 25-29: Monroe Township, N.J. An 18-year-old student at Williamstown High School is arrested Jan. 29 after bringing a .357-caliber handgun, an automatic handgun and a paging device to class.

Feb. 1-5: Houston. An 18-year-old senior at Booker T. Washington High School shoots a sophomore in the jaw with a .38-caliber revolver during a Feb. 5 fight in a school bathroom.

Feb. 8-12: Bangor, Pa. A 13-year-old student at Bangor Junior High School pulls a .25-caliber handgun in a counselor's office on Feb. 9. He shoots himself and loses an eye.

Farewell to a best friend


AP

DEAD AT 16: T'Fanale Henry says goodbye at the Jan. 28 funeral of one of her best friends, Demetrius Rice, killed when a .357 Magnum inside a classmate's bookbag accidentally discharged during class at Fairfax High in Los Angeles.

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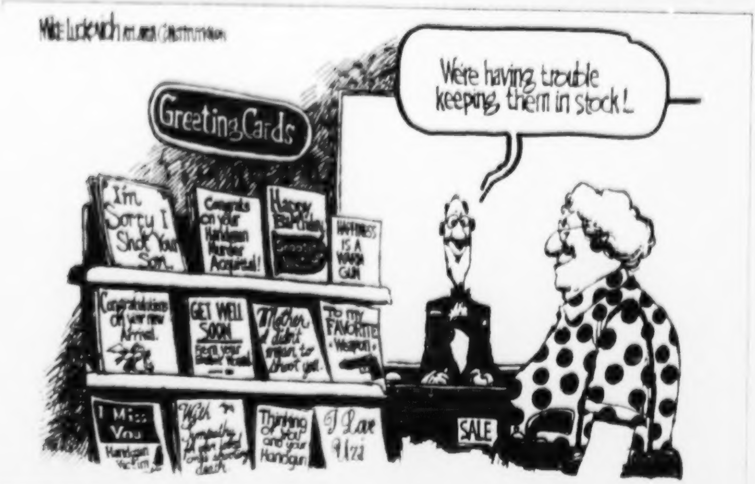
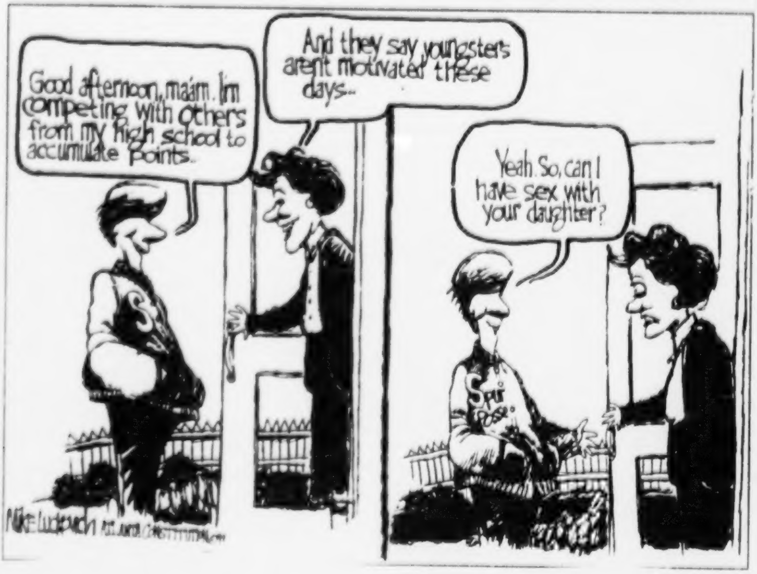

Mike Luckovich ATLANTA CONSTITUTION
We're having trouble keeping them in stock!
Greeting Cards
I'm Sorry I Shot Your Son.
Congrats on your Handgun Murder Acquittal!
Happy Birthday
HAPPINESS IS A WARM GUN
Congratulations on your new Arrival.
GET WELL SOON
Mother didn't mean to shoot you.
To my FAVORITE Weapon
I Miss You Handgun Victim
With Sympathy
Thinking of You and your Handgun
I Love Uzi
SALE


Good afternoon, ma'am. I'm competing with others from my high school to accumulate points.
And they say youngsters aren't motivated these days...
Yeah. So, can I have sex with your daughter?
Spur Posse
Mike Luckovich ATLANTA CONSTITUTION

Monday, June 7, 1993

Sex harassment in school reflects culture in decline

MONA CHAREN

I'm glad, I suppose, that sexual harassment is being condemned in the national press. The most recent example is a study commissioned by the American Association of University Women showing that the behavior is widespread among junior-high and high-school students nationwide.

But there is a distressing lack of clarity in the discussion of the issue, and I fear that a facile and superficial understanding of the problem will lead to simplistic and formulaic solutions — like consciousness-raising classes — that will skirt the true problem.

In the first place, any study that purports to find that 81 percent of students are victims of something (other than math quizzes) is suffering from overbroad definitions. So it is with this study conducted by Louis Harris and Associates. According to the study's usage, *sexual harassment* includes everything from having clothing torn off and being forced to perform sexual acts, to unwanted sexual jokes, gestures or looks. It is hardly surprising that by the latter loose standard, *more than four fifths*

innuendoes. And that's during the family hour. Many of the magazines sold at supermarket checkout counters look like soft porn. Even video games (aimed exclusively at children) are so sexually violent that one manufacturer has agreed to start labeling them to enable parents to monitor what kids are seeing. The language, violence and sexual content of movies is so raw that many adults would hesitate to attend with their aging parents — though they might look the other way when their 14-year-old son sees the films again and again.

How can parents, who allow their prepubescent daughters to wear bras on the outside of their clothing, like Madonna, the teen idol, be surprised to learn that coarse sexual talk and manners are common in the halls of junior high schools?

'This culture, awash in cheap sexual thrills, has lost sight of the noble, the fine and the uplifting. Sex is too important to be cheapened without disastrous results. When we demean sex, we demean our humanity.

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of the students defined themselves as victims of sexual harassment.

Still, the fact that more than 60 percent of girls and 40 percent of boys aged 13 to 17 report that they have been "touched, grabbed or pinched in a sexual way" is evidence of something. But what?

That's the critical question. What is going on here? Is this the early blooming of the kind of sexual harassment that the feminists claim is a male-invented weapon to subjugate women? Is that what 11 and 12-year-old boys are thinking?

The overwhelming vulgarity and seaminess that has come to dominate our culture has borne predictable fruit.

I submit that we are not dealing here with a political problem of the war between the sexes. We are dealing with a cultural problem. The overwhelming vulgarity and seaminess that has come to dominate our culture in entertainment, mores and manners has borne predictable fruit. We are raising children and adolescents who think nothing of telling an 11-year-old girl on a school bus to have oral sex with her father (an actual case), or threatening a 12-year-old with rape.

Is this shocking? Only to the inattentive. Turn on network television any night of the week, and you will get an earful of coarse language, puerile double entendres and vulgar

My religion, Judaism, is a religion of laws. There are thousands of laws regulating every aspect of human conduct. But there are more rules about sex and eating than anything else. Why? Because those are behaviors we share with animals — and it is doubly important that we invest them with meaning, order and sanctity.

If our kids are behaving like boors, grabbing at one anothers' bodies, leaving obscene notes in spreading sexual rumors, as the study indicates, it is because we adults have permitted them to be instructed by 2 Live Crew, *Married with Children* and *The Love Connection.* It is because we have long since abandoned modesty, respect and chastity as relics of an irrelevant past. It is poignant that the new freedom has left the children so unhappy.

What is called *sexual harassment* is really just vulgar behavior, and it can be added to the list of accomplishments of the sexual revolution — right under "epidemic of teen-age pregnancy," and just above "AIDS."

Schools must teach proper behavior

ELLEN GOODMAN

It happens in public, not behind a closed office door. There is no "he said, she said" dispute about the facts. Everybody can see what's going on: friends, classmates, teachers.

A boy backs a girl up against her junior-high locker. Day after day. A high-school junior in the hallway grabs a boy's butt. A sophomore in the playground grabs a girl's blouse. An eighth-grade girl gets up to speak in class, and the boys begin to "moo" at her. A ninth-grader finds out that her name and her "hot number" are posted in the boys' bathroom.

It's all quite normal, or at least it's become the norm. This aberrant behavior is now as much a part of the daily curriculum, the things children learn, as math or social studies. Or their worth in the world.

This is the searing message of another survey that came spilling out of the schoolhouse door last week. This one, commissioned by the American Association of University Women, confirmed the grim fact that four out of five public-school students between grades eight and 11 — 85 percent of the girls and 76 percent of the boys — have experienced sexual harassment.

That's if *sexual harassment* means — and it does — "unwanted and unwelcome sexual behavior which interferes with your life." That's if sexual harassment includes — and it does — sexual comments, touching, pinching, grabbing and worse.

The girls in schools are the more frequent targets of the more serious verbal and physical assaults. They suffer more painful repercussions in their lives, their grades, their sense of well-being.

But the notion that "everybody does it" is not far off the mark. If some 81 percent of the students in the AAUW survey were targets, here's another figure to remember. Some 59 percent — 66 percent of the boys and 52 percent of the girls — admitted that they had done unto others what was done to them.

In public spaces in public schools, nearly every student is then a target or a perpetrator or a bystander — or all three in turn. The vast majority have been up close and too personal with sexual harassment. Yet we are still grappling with how it happened and how to change the schoolhouse and hallway.

In Minnesota, the agent of change has been a fistful of lawsuits. In California, a new law was passed that allows expulsions. Elsewhere, schools are looking for a magic bullet, a one-day workshop, a 10-point program.

But cultural change requires more than a crash curriculum; there is no quick fix in the creeping court system. Indeed, Mary Rowe of the Massachusetts Institute of Technology, who has studied harassment for more than a decade, has learned that the vast majority of students won't bring their stories to any formal grievance procedure, let alone a courtroom. They won't tattle.

For a host of reasons, she and others, like Nan Stein of Wellesley College, have come to believe that the schools need a wider range of choices to fill the space between doing nothing and suing. They need teachers who see and say no to harassment in class. They need designated adults in schools who can listen and help. They need to help students address each other directly and honestly. In one tactic, a student is encouraged to write a personal letter to the classmate who hurt her . . . perhaps unwittingly.

A school culture of sexual harassment exists in a wide and troubling social context, but change ultimately rests in the hands of the students themselves. After all, not all boys will be boys. Not all girls follow the leader.

So, these days, when Nan Stein goes into a school, she says, "I talk a lot about courage." She thinks the role that everybody plays, the bystander, as pivotal. "Kids have to learn to speak out, to make moral judgments. I tell them not to be moral spectators."

Sexual harassment is, as Stein says, an older cousin to bullying. Students who understand the dividing line between teasing and bullying can learn the line between sexual play and harassment. They can draw that line.

The most powerful tool for the everyday garden-variety misery of name-calling, body-pinching and sexual bullying that turns a school hallway into a gantlet may not be a lawsuit. It may be one high-school senior walking by who says, "Don't do that; it's gross." It may be one group of buddies who don't laugh at the joke.

In our society, the courts are the last-ditch place for resolving conflicts. The schools must become the place for teaching basics — such as respect and courage.

Ellen Goodman writes for The Boston Globe.

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Changes In 1991 Columbus City Code

(CLIP AND ATTACH TO YOUR 1959 CITY CODE)

ORD. No. 2131-91—To amend Sections 2301.14, 2303.01, 2305.02, 2305.04, and 2317.01, Columbus City Codes, to provide for a mandatory term of imprisonment for violation of those sections of the criminal code when the offense is committed upon school premises, and to declare an emergency.

WHEREAS, Council Member Kennedy has been working with the schools and police on the "Drug Free-Weapon Free" School Zone program, and

WHEREAS, the commission of criminal offenses on school premises must be reduced and deterred by appropriate penalties, and

WHEREAS, to deter offenses on school premises it is in the best interest of the City, teachers, and students, to provide for mandatory penalties for certain violent or disruptive misconduct on school premises, and

WHEREAS, the school year has already commenced and the "Drug Free-Weapon Free" School Zone program has been partially implemented, and there have already been instances of offenses on school premises, thus it is necessary to declare this measure to be an emergency ordinance in order to immediately preserve the public peace, health, property, or safety, and also due to an emergency in the usual daily operation of the Department of Public Safety, Division of Police, so that offenses will be deterred, arrests made and charges filed with enhanced penalties, to aid in enforcement and punishment of wrongdoers, now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That Section 2301.14, Columbus City Codes, be amended to read as follows:

2301.14 General definitions.

(A) "Force" means any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing.

(B) "Physical harm to persons" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(C) "Physical harm to propery" means any tangible or intangible damage to property which, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.

(D) "Serious physical harm to persons" means any of the following:

- (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment.
- (2) Any physical harm which carries a substantial risk of death.
- (3) Any physical harm which involves some permanent incapacity, whether partial or total, or which involves some temporary, substanial capacity.
- (4) Any physical harm which involves some permanent disfigurement, or which involves some temporary, serious disfigurement.
- (5) Any physical harm which involves acute pain of such duration as to result in substantial suffering, or which involves any degree of prolonged or intractable pain.

(E) "Serious physical harm to property" means any physical harm to property which does either of the following:

- (1) Results in substantial loss of the value of the property, or requires a substantial amount of time, effort, or money to repair or replace.
- (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use or enjoyment for an extended period of time.

(F) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.

(G) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.

(H) "Offense of violence" means any of the following:

- (1) A violation of Sections 2303.01, 2303.03, 2303.04, 2317.08, 2317.10, and 2323.02 of the Columbus City Codes;
- (2) A violation of any section listed in Division (D)(1) of Section 2901.01 of the Ohio Revised Code;
- (3) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in Division (H)(1) or (2) of this section;
- (4) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any state or the United States, committed purposely or knowingly; and involving physical harm to persons or a risk of serious physical harm to persons;
- (5) An attempt to commit, or complicity in committing any offense under Division (H)(1), (2), (3) or (4) of this section.

(I) "Property" means any property, real or personal, tangible or intangible, and any interest or license in such property. "Property" includes, but is not limited to, electronically processed, produced, or stored data, data while in transit, computer programs in either machine or human readible form, and any original or copy of a document associated with computers. As used in this subsection, "computer", "computer program", and "data" have the same meaning as in Section 2305.01 of the Columbus Codes.

(J) "Law enforcement officer" means any of the following:

- (1) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, or state highway patrolman.
- (2) An officer, agent, or employee of the state or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of such statutory duty and authority.
- (3) A mayor, in his capacity as chief conservator of the peace within his municipality.

(4) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of such member's appointment or commission.

(5) A person lawfully called pursuant to Section 311.07 of the Ohio Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when such person is called.

(6) A person appointed by a mayor pursuant to Section 737.01 of the Ohio Revised Code as a special patrolman or officer during riot or emergency, for the purposes and during the time when such person is appointed;

(7) A member of the organized militia of this state or the Armed Forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence.

(8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor:

(9) City employees whose duties include the issuance of parking infractions.

(K) "Privilege" means an immunity, license, or right conferred by law, or bestowed by express or implied grant or arising out of status, position, office, or relationship, or growing out of necessity.

(L) **"School premises" means any one or more of the following:**

(1) The parcel or real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed;

(3) Any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

Section 2. That Section 2303.01, Columbus City Codes, be amended to read as follows:

2303.01 Assault.

(A) No person shall knowingly cause or attempt to cause physical harm to another.

(B) No person shall recklessly cause serious physical harm to another.

(C) Whoever violates this section is guilty of assault, a misdeameanor of the first degree.

If the offense occured on school premises, or within 1000 feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least thirty days, which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

Section 3. That Section 2305.02, Columbus City Codes shall be amended to read as follows.

2305.02 Criminal damaging or endangering.

(A) No person shall cause, or create a substantial risk of physical harm to any property of another without his consent;

(1) Knowingly, by any means.

(2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(B) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree.

If the offense occurred on school premises, or within 1000 feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least thirty days, which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

Section 4. That Section 2305.04, Columbus City Codes, shall be amended to read as follows:

2305.04 Criminal trespass.

(A) No person, without privilege to do so, shall do any of the following:

(1) Knowingly enter or remain on the land or premises of another,

(2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows he is in violation of any such restriction or is reckless in that regard,

(3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;

(4) Being on the land or premises of another negligently fail or refuse to leave upon being notified to do so by the owner or occupant, or the agent or servant of either.

(B) It is no defense to a charge under this section that the land or premises involved was owned, controlled, or in custody of a public agency.

(C) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved, when such authorization was secured by deception.

(D) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree. Notwithstanding the penalty provided in Section 2301.10, whenever an organization is guilty of violating this section such organization shall be fined not more than two hundred fifty dollars.

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If the offence occurred on school premises, or within 1000 feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least ten days, which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

(E) A used in this section, "land or premises" includes any land, building, structure, or place belonging to, controlled by, or in custody of another, and any separate enclosure or room, or portion thereof.

Section 5. That Section 2317.01, Columbus City Codes, shall be amended to read as follows:

2317.01 Disorderly conduct.

(A) No person shall recklessly cause inconvenience, annoyance, or alarm to another, by doing any of the following:

(1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;

(2) Making unreasonable noise;

(3) Insulting, taunting, or challenging another under circumstances in which such conduct is likely to provoke a violent response;

(4) Hindering or preventing the movement of persons on a public street, road, highway, or right-of-way, or to, from, within, or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;

(5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

(B) No person, while voluntarily intoxicated shall do either of the following:

(1) In a public place or in the presence of two or more persons, engaged in conduct likely to be offensive or to cause inconvenience, annoyance, or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;

(2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.

(C) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft, or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of Division (B) of this section.

(D) When to an ordinary observer a person appears to be intoxicated, it is probable cause to believe such person is voluntarily intoxicated for purpose of Division (B) of this section

(E) Whoever violates Division (A), paragraphs 1, 3, 4, or 5 of this section is guilty of disorderly conduct, a misdemeanor of the fourth degree. Whoever violates Division (A), paragraph 2 or Division (B), of this section is guilty of disorderly conduct, a minor misdemeanor. If the offender of Division (A), paragraph 2, or Division (B) persists in disorderly conduct after reasonable warning or request to desist, disorderly conduct Division (A), paragraph 2 or Division (B) is a misdemeanor of the fourth degree.

If the offense under Division (A), paragraphs 1, 3, or 5 occurred on school premises, or within 1000 feet of the boundaries of school premises, then the court shall impose a mandatory term of imprisonment of at least ten days which shall not be suspended, shall be a period of consecutive imprisonment, and during which mandatory minimum term of imprisonment the defendant shall not be eligible for probation, house arrest, or work release.

Section 6. That the existing Sections 2301.14, 2303.01, 2305.02, 2305.04, and 2317.01, Columbus City Codes, be and hereby are repealed.

Section 7. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.

Passed September 23, 1991
CYNTHIA LAZARUS, President of Council
Approved September 25, 1991
DANA G. RINEHART, Mayor
Attest
TIMOTHY McSWEENEY, City Clerk

Volume 9, Number 1
January 1993

School Security Report

The How To Newsletter of Accident and Crime Prevention

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HOW BUFFALO SCHOOLS UPGRADED SECURITY TO MEET INCREASE IN STUDENT CRIME

An increase in use of weapons and drugs and greater general street violence is making the task of school security more difficult, according to William Jackson, director of security for the Buffalo Public Schools, Buffalo, NY. "Overall, we have seen a dramatic increase in crime during the last three years, rising higher than the national rate." As recently as Thanksgiving of 1992, a school security officer was shot and critically wounded.

Jackson believes that the real problems are out on the streets and that they are being carried over into the schools, especially after weekends. "The kids are afraid, so they carry weapons." The problems are increased by the fact that all Buffalo high school students and some elementary students are conveyed by the public transit system, including both subways and metro buses, and opportunities for violence take place after school on the way home. Last spring after a series of violent incidents, Jackson was able to win approval to make a number of improvements in school security, including:

--Two additional school security officers.

--A policy of strict and consistent enforcement of existing rules and regulations in the entire system of 68 schools.

--The establishment and posting of gun-free and drug-free zones as mandated under federal law.

--A new 126-hour training program for all security personnel conducted by the Buffalo Police Department.

--Random locker searches of high school students, conducted by two available mobile units.

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SPECIAL REPORT

VIOLENCE IN SCHOOLS: A TIME FOR CONCERN AND ACTION

The wounding of six fellow students in September 1992 by a 17-year-old Amarillo, TX, high schooler was just one of a growing number of acts of violence being committed by teenagers. As previous articles and reports in this newsletter have indicated, the problem is much more widespread than most persons, even school officials, realize. And such violence is not limited to big cities or schools with high percentages of minority students. In this report, we'll update you on the most recent studies of youth violence, and present some suggestions from experts on how to prepare for some difficult times that may lie ahead.

RECENT STUDIES: HOW SERIOUS IS THE PROBLEM?

Northeastern U. Study: Teenager arrests up.

James Allen Fox, dean, College of Criminal Justice, Northeastern University, Boston, MA, says youth violence is expected to increase during the next decade and into the next century. "Right now the number of young teens and pre-teens is on the rise. So in the 1990s we will be seeing a resurgence in the size of the most violent population—high schoolers." A new study by the university's Crime Analysis Project reports that the number of 15-year-olds arrested for murder climbed 217% from 1985 through 1991. Sixteen-year-olds arrested for murder rose by 158%; 17-year-olds rose by 121%. Arrests of boys 12 and under rose 100%.

National Survey: Frequent reports of violent incidents.

A national survey of 546 students ages 13-19 by the Camp Fire Boys and Girls, Kansas City, MO, found that:

—83% have personally witnessed students in fistfights.

—20% have seen a fellow student pull a knife on someone.

—16% have watched a fellow student strike a teacher.

—7% have seen students threatening someone with a firearm.

When the 546 students were asked if they thought the violence would get worse, over half said yes. "Violence begets violence," says Emerson Goodwin, director of development and communication for Camp Fire Boys and Girls. The problem will only get worse as long as children feel threatened. If they think other children are bringing weapons to school, they themselves will bring weapons in response to the threat.

Memphis: Suspensions for gun possession up.

In Memphis, TN, according to the newspaper USA Today, the number of students suspended for having guns at Memphis city schools doubled in 1991. Over the past five years, incidents tripled. During the 1987-88 school year, 86 students were suspended for carrying guns to school. In 1991, the number was 263.

Seattle: Easy access to handguns.

In Seattle, WA, Drs. Charles M. Callahan and Frederick Rivara of the University of

Washington polled 900 high school juniors in Seattle public schools. They found half of all male students felt they had easy access to handguns. The majority said they could get guns from friends, on the street, or at home. The study also showed that 11% owned a handgun and half of them brought the weapon to school.

AMA: Gunshot wounds second leading cause of teenage death.

For the United States as a whole, the American Medical Association reported last June that:

—Gunshot wounds are the second leading cause of death among high-school-age children.

—One-third of high school students say they have easy access to handguns.

—Six percent say they bring handguns to school.

—Six percent say they actually own handguns.

—Two percent of those polled say they have fired their handguns at another person.

FBI: Arrest rates up for black, white youths.

In August 1992, the FBI Uniform Crime Report for the first time included an analysis of crimes by juveniles (ages 10-17). It reported:

—The rate of arrests of juveniles for violent offenses in 1990 was 430 per 100,000, a 27% increase over 1980.

—The rate of violent crime among black youth was 1,429 per 100,000 in 1990, a rate five times that of white youth.

—The arrest rate for murder increased 145% among black youths over the decade, 48% for whites, 45% for other races.

—In 1990, almost three of every four youthful murderers used a firearm.

WHAT'S BEHIND THE FIGURES?

In spite of the "numbers," Carl Bell, executive director of the Community Mental Health Council, Chicago, IL, says he's not convinced. "In order to really know if school-age children are becoming more violent, you would have to compare today's violence, which I characterize as fighting, stabbing, hitting people with bricks, etc. —with the violence statistics from the 1950s, and I know of no study that does that." Bell adds that if there is indeed a problem, you have to know where it exists in order to solve it. "If you focus on poor and under-serviced communities, it's easy to see a violence problem that is getting worse, when we know the risk of being murdered is 1 in 27 for poorer people."

In the Camp Fire Study, 65% of the students surveyed rated drugs as the number one cause of violence on the part of their peers. Abuse by parents was rated second by 49% of the group; wanting to feel in control, 48%; and gang involvement, 47%. Only 19% felt television was a major contributor to violent behavior.

What causes handgun violence among youth? Owen Fitzgerald of the Center to Prevent Handgun Violence (CPHV), Washington, DC, says:

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--Easy availability of firearms. "Half the homes in this country contain a firearm."

--Kids carry firearms because they think guns are cool.

--Kids feel the need to protect themselves.

--A lack of coping skills. "Many kids today seem to react with violence to anything that troubles them. If they feel like they've been 'dissed' (disrespected), they react with any violent means necessary to regain that respect."

The FBI's Uniform Crime Reports study noted single parent families, drugs, and illegal weapons as possible contributing factors.

IS ANYTHING BEING DONE TO SOLVE THE PROBLEM?

In response to this surge of violence among school-age children, the Center has developed an educational program on gun awareness. The STAR (Straight Talk About Risks) program is a pre-kindergarten through 12th grade curriculum supplement, which teachers can adapt to various classroom situations. "It involves role playing lessons in which children actually get a chance to rehearse behaviors that may be lifesaving," says Fitzgerald. "The exercises promote appropriate responses to dangerous, violent, or even deadly situations." Although many more children are confronting real violence while traveling to and from school, the program also addresses the media, which brings images of violence to a much greater audience.

"STAR attempts to make children aware that the violence they see in the media is not like real-life violence—guns are not glamorous—and there is a severe price to pay when people resort to violence. Kids know movie stars as the cool guys with the guns that everybody claps for, but they never get to know the families or friends of the people killed...they never see a realistic depiction of someone really getting wounded by gunfire." To enlighten children to the tragedy associated with this type of violence, CPHV sends a videotape with the curriculum, which includes interviews with teens who have been wounded by guns. During the interviews, the teens talk "straightup" about how gunshots have scarred them physically and emotionally.

The National Rifle Association, Washington, DC, says it has a similar program planned. However, implementation is still a year away. The group currently runs an accident prevention program for grades pre-kindergarten through sixth, but Laurie Turnelle, assistant manager of the program, admits that "we definitely see a need for an older-level program."

The Illinois State Police, Macomb, has developed the School Security Facilitator Training program, aimed at helping school officials confront the problem. "Our program makes sure that we have school officials trained in establishing a plan of action in response to what has become a very serious problem in recent years," says Senior Master Trooper Jim L. Owens. The program consists of a six-step process, which includes:

--Creating an awareness. "We want the administrators to first be aware of potential and ongoing problems in the community."

--Formulating and implementing a school policy regarding school violence.

--Soliciting community participation and involvement. "This has to be a joint effort including influential people who can keep the interest level high."

—Preparing for all levels of violent behavior. "You have to practice response techniques in every area until your responses are familiar and automatic." The levels of violence include potential, urgent, and emergent, while different types of violence include incident, crisis, and disaster.

—Inspecting the facility for security vulnerabilities. "But make certain hazards are not created following the process, such as blocking fire escape routes, etc."

--Establishing a follow-up plan of action, such as victim assistance. "The effects of a crisis often reverberate long after the incident itself is over."

IS EDUCATION ENOUGH?

Jack M. Pollock, retired principal of Abraham Lincoln High School, Brooklyn, NY, was in the front line when it came to confronting violence in schools. In a letter to the editor of the New York Times, Pollock suggests better communication as a means to prevention. "One of the things I've discovered (after his 43 years as an educator) is that kids will tell you who's carrying weapons--it's incredible--if a kid feels confident that the school will not divulge names, or information that's given, for their own self protection, they will tell you," says Pollock. "I've had kids, over the years, come and tell me 'So-and-so has a knife in his bag' or 'So-and-so has a gun.' And, most of the time, what the kids told us was true, because they know...the kids know more than the teachers know."

To encourage more children to come forward, Pollock has proposed giving those who do a reward. "If kids know, for information leading to the confiscation of a gun, that they can get a reward and their names will not be revealed, that may result in more confiscation of guns and weapons on campus. At the very least, it will put the gun toters on notice that they may be reported by their own classmates." Once the sources have been communicated, Pollock suggests following up with random searches in school, as well as on the routes children take to and from school. He says the civil libertarians will surely fight this approach, but something has to be done.

"Schools in New York City are being compared to Beirut! We have to protect the safety of the general public and if these kids give police legitimate grounds for suspicion, law enforcement officials have a right to protect society; that's what we pay them for."

Fox of Northeastern agrees that strong measures have to be taken to remove weapons from schools, but defines metal detectors and increased security as "band-aid" solutions. He says that nurturing, intensive guidance, and interactive support are key strategies necessary for long-term results. "I would like to see more after-school programs with charismatic instructors and good quality recreational equipment, which would develop an atmosphere in which kids would want to be. If we can keep kids busy, and cut down on the idleness in their lives, I think that we will have a positive impact."

For further information, contact:

Gwen Fitzgerald, spokesperson, Center to Prevent Handgun Violence, 1225 Eye St., NW, Suite 1150, Washington, DC 20005--202/289-7319.

Lauria Turnelle, assistant manager, Eddie Eagle Department, National Rifle Association, 1600 Rhode Island Ave., NW, Washington, DC 20036--1-800/231-0752.

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Carl Bell, executive director, Community Mental Health Council, 8704 South Constance, Chicago, IL 60617--312/734-4033.

Jim L. Owens, senior master trooper, Illinois State Police District 14, PO Box 483, Macomb, IL 61455--309/833-2141.

SEE INCREASED ACCEPTANCE OF DELAY-RELEASE HARDWARE FOR EXIT DOORS

A security device that conflicts with fire safety codes--delay-release door hardware--has been available for more than 10 years, but is just now becoming popular, according to consultants and hardware makers. The hardware, described in Section 5-2.1.6 of the National Fire Protection Association (NFPA) Life and Safety Code 101, automatically unlocks doors equipped with the magnetic lock system after a 15- or 30-second delay when an emergency release button is pressed. In case of power failure or activation of sprinklers or smoke detectors, the doors unlock for immediate egress. When permitted by local codes, use of the devices is restricted to buildings that are completely protected by supervised automatic sprinkler systems or automatic fire detection systems. They are forbidden for use on the main entrance/exit doors of assembly occupancies, defined as places where a relatively large group of people gather for dining or recreation, such as restaurants or theaters.

Delay-release systems are activated when someone desiring to exit pushes a release bar on the door. That initiates a process that signals a central monitor station, can sound a local alarm if desired, and releases the lock after the pre-determined period. A notice posted on the door instructs the person desiring to exit to keep pressure on the bar until the door releases after the time delay, or states that the door will open after a specified number of seconds.

Professional Engineer William Koffel, president of Koffel Associates Inc., Ellicott City, MD, an independent fire protection engineering firm, says fire and safety codes vary in different parts of the country, but they all specify that nothing can impede egress from a building. In order to use delay-release systems, an exception has to be written into the code. "The Life Safety Code has a restriction that in health care occupancy you may have no more than one such device in the egress path." For example, the system could be installed on the door into a stairway or on the door out of the stairway, but not on both. "Some codes are very restrictive, specifying that they can only be installed in office-type environments, while others permit it in education, mercantile, office, or institutional facilities."

The Uniform Building Code, in common use in western states, is the most restrictive regarding use of delay-release devices, allowing them only in office buildings and in a few other limited applications. NFPA's Life Safety Code is more liberal. Koffel doubts that a uniform code for the entire country will come about in the foreseeable future. Presently there are four major organizations that publish model codes that can be adopted, with or without modification, by local authorities. The NFPA promulgates a model fire code. Other organizations publishing model codes

News Release

NATIONAL FRATERNAL ORDER OF POLICE
1100 Gardiner Lane Louisville KY 40205-29 (502) 451-2700 FAX 502-459-2000

RAP SONG ADVOCATES KILLING POLICE OFFICERS

RECEIVED
92-1484
JUN 18 1992
BALTIMORE COUNTY LODGE NO. 4
FRATERNAL ORDER OF POLICE, INC.

WARNING:

The lyrics printed in this News Release may be offensive to some readers.

A rap group, Body Count, featuring Ice-T, has recorded a lewd, demeaning, lascivious song called "Cop Killer" on its album "Body Count". The lyrics are disgusting, vulgar, and advocate violence against police officers.

Warner Brothers has distributed this recording. They are the same company that produces videos, movies, and owns interest in amusement parks including Six Flags. The lyrics contained in the recording are as follows:

"COP Killer"
I got my black shirt on
I got my black gloves on
I got my ski mask on
This shit's been too long
I got my twelve gauge sawed off
I got my headlights turned off
I'm 'bout to bust some shots off
I'm 'bout to dust some cops off

Chorus
COP KILLER, it's better you than me
COP KILLER, fuck police brutality!
COP KILLER, I know your
family's grievin'
(Fuck 'em!)
COP KILLER, but tonight we get even
I got my brain on hype
Tonight'll be your night
I got this long-assed knife,
and your neck looks just right
My adrenaline's pumpin'
I got my stereo bumpin'
I'm 'bout to kill me somethin'
A pig stopped me for nuthin'!
(Chorus)
DIE, DIE, DIE PIG, DIE!
FUCK THE POLICE! (repeat)
(Chorus)
FUCK THE POLICE (repeat)
FUCK THE POLICE, for Darryl Gates
FUCK THE POLICE, for Rodney King
FUCK THE POLICE, for my dead homies
FUCK THE POLICE, for your freedom
FUCK THE POLICE, don't be a pussy
FUCK THE POLICE, have some muthafuck
FUCK THE POLICE, sing along
COP KILLER! (repeat)
I'm a muthafuckin' COP KILLER!
COP KILLER! (repeat)

The National FOP urges all FOP lodges, associates and auxiliaries and their membership to write letters of protest to the President of Time Warner/Warner Brothers Records.

Demand that this recording be pulled from the market, from record stores, and institute a Boycott of all Time Warner products and productions until such time this recording is pulled.

Police officers are urged to show our sincere concern about deplorable lyrics being used that encourage the "Killing of Police Officers" and tarnish the minds of our youth while police officers across the nation try to present a positive image and be a role model.

WRITE AND CALL NOW!

Send letters to:
Lenny Waronker, President
Time Warner/Warner Bros. Records
3300 Warner Blvd.
Burbank, CA 91505
818-846-9090

Contact: Ralph Orms, National Secretary
1-800-451-2711 or Dewey R. Stokes
National President, 614-221-0180

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1991 Hunter Education Program Profile

How Hunter Education is Progressing in the U.S.

Hunter Education has come a long way since [illegible] when Kentucky initiated the first formal firearms safety course within its statewide youth camp program.

Each state in the United States now has an agency responsible for teaching safe hunting methods and promoting responsible hunting behavior and important conservation practices. These agencies are working together to standardize and improve Hunter Education programs.

[illegible] Education course each [illegible] persons have been certified [illegible] from the taxes levied on the sale of sporting arms, ammunition and archery equipment are invested into training programs through the Pittman-Robertson Act. Each year the amount increases, showing the expansion of training courses for the American tradition of hunting on the state level.

State	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Year [illegible] program began	Year [illegible] program began	1991 State population	1990 hunting licenses	Students/Instructors [illegible]	Students/Instructors [illegible]	Course hours [illegible]	Course hours [illegible]	[illegible]	[illegible]	[illegible]	Live firing [illegible]	Live firing [illegible]	Hunter orange [illegible]	Hunter orange [illegible]	[illegible]
Alabama	M					1973	1983	4 153 000	311 000	5 851	74 000	10	13	745	18	Yes	No		Yes	Yes	No
Alaska	V		●			1971		500 000	80 000	595	23 000	10	18	50+	0	Yes	Yes	U	Yes	No	Yes
Arizona	M					1955	1955	3 500 000	181 500	7 200	200 000	20	22	827	15	Yes	Yes	M	Yes	No	Yes
Arkansas	M		●	●	●	1972	1983	2 500 000	301 890	17 278	215 580	10	10 1	1 251	13	Yes	Yes	U	Yes	Yes	No
California	M	●	●	●		1954	1970	29 760 000	400 000	24 000	1 372 500	10	11 5	1 400	—	Yes	Yes	U	Yes	No	No
Colorado	M	●	●	●	●	1960	1970	3 377 000	840 000	18 246	504 380	10	17 5	520	35	Yes	Yes	M	Yes	Yes	Yes
Connecticut	M	●	●	●	●	1957	1957	3 338 300	91 500	5 319	134 129	12	18	301	24	Yes	Yes	U	Yes	Yes	Yes
Delaware	M		●	●	●	1971	1971	697 000	28 000	1 327	32 000	10	12	100	10	Yes	Yes	U	Yes	Yes	No
Florida	M		●	●	●	1957	1991	12 900 000	205 000	11 000	161 000	12	15	300	40	Yes	Yes	M	Yes	Yes	Yes
Georgia	M	●	●	●		1964	1978	6 478 218	777 837	20,272	440 732	8	8	845	21	Yes	No		Yes	Yes	No
Hawaii	M	●				1979	1990	1 100 000	10 529	3 799	10 860	12	12	19	50	Yes	No		Yes	Yes	Yes
Idaho	M					[illegible]	1980	1 100 000	228 000	6 903	86 475	10	21	998	20	Yes	Yes	M	Yes	No	Yes
Illinois	M		●	●	●	1959	1978	11,500 000	330 374	11 390	190 488	10	15	950	20	Yes	No		Yes	Yes	Yes
Indiana	M					1974	1983	5 544 159	758 580	8 771	180 145	10	13	820	12	Yes	Yes	U	Yes	Yes	Yes
Iowa	M	●	●	●		1960	1983	2 900 000	285 000	11 145	301 760	10	11 5	1 750	14	Yes	Yes	U	Yes	Yes	Yes
Kansas	M		●	●		1955	1973	2,477 574	200 000	12,092	273 000	10	12	700	12	Yes	Yes	U	Yes	Yes	Yes
Kentucky	M		●	●		1945	1991	3 685 296	318 284	17 855	1 145 908	10	12	788	12	Yes	Yes	M	Yes	Yes	No
Louisiana	M	●				1969	1989	4 000 000	400 000	18,000	200 000	10	12	900	14	Yes	Yes	M	Yes	Yes	Yes
Maine	M	●	●	●	●	1958	1986	1 100 000	200 000	8 444	122,500	10	14	1 600	18	Yes	Yes	U	Yes	Yes	Yes
Maryland	M	●	●	●	●	1964	1977	4 800 000	165 000	8 400	142 200	10	10	900	24	Yes	Yes	U	Yes	Yes	Yes
Massachusetts	V				●	1953		6 018 000	105 350	3 581	114 535	12	18	300	24	Yes	Yes	U	Yes	Yes	No
Michigan	M	●	●	●		1949	1971	9,900 000	1 500,300	31 319	1 170 000	10	12	2 014	8	Yes	Yes	M	Yes	Yes	No
Minnesota	M		●	●		1955	1990	4 375,099	771 181	17,273	804 055	12	22	4 208	6	Yes	Yes	M	Yes	Yes	Yes
Mississippi	M		●	●	●	1972	1988	2,640,000	275 000	17 521	224 410	10	12	1,350	17	Yes	Yes	M	Yes	Yes	Yes
Missouri	M			●		1957	1988	5 158,000	875,000	32,278	588 278	10	11 7	2 100	8	Yes	Yes	U	Yes	Yes	No
Montana	M		●	●		1950	1958	795 000	263 000	8 000	228 000	10	17	1 000	0	Yes	Yes	U	Yes	Yes	Yes
Nebraska	M					1972	1976	1 400 000	191 000	5,875	134 208	10	11 0	535	4	Yes	No		Yes	Yes	Yes
Nevada	M		●	●	●	1972	1972	1,200 000	51 825	3 600	58 850	10	13 5	384	10	Yes	Yes	U	Yes	No	Yes
New Hampshire	M	●	●	●		1962	1983	1 200 000	80 000	2 900	82 500	12	18	450	8	No	Yes	U	Yes	No	Yes
New Jersey	M	●	●	●	●	1958	1985	7 800 000	140 000	11 400	403 000	10	12	478	16	Yes	Yes	M	Yes	Yes	Yes
New Mexico	M			●		1965	1972	1 500 000	153 864	3 982	134 251	12	14	575	20	Yes	Yes	U	Yes	No	Yes
New York	M	●	●	●		1949	1949	18 287 945	765 000	44 148	2 871 179	10	12	3 500	12	Yes	Yes	U	Yes	No	Yes
North Carolina	M	●	●	●		1972	1991	6 588 983	388 915	19 909	444 853	10	12	800	12	Yes	Yes	U	Yes	Yes	No
North Dakota	M	●	●		●	1972	1979	620 000	100 000	5 500	82 300	12	14	619	14	Yes	Yes	U	Yes	Yes	No
Ohio	M	●	●	●	●	1958	1979	10 700 000	455 000	19 000	582 831	10	12	1 300	14	Yes	Yes	U	Yes	Yes	Yes
Oklahoma	M		●	●	●	1956	1988	3 309 700	330 000	11 200	178 000	10	10 3	300	18	Yes	Yes	U	Yes	Yes	Yes
Oregon	M		●	●	●	1957	1962	2 700 000	350 000	9 500	355 000	10	14	800	12	Yes	Yes	U	Yes	No	Yes
Pennsylvania	M	●	●	●	●	1959	1982	12 000 000	1 200 000	40 000	1 341 755	10	12	3 200	8	Yes	Yes	U	Yes	Yes	Yes
Rhode Island	M	●	●	●		1956	1956	1 003 464	13 578	1 148	30 401	10	15	148	10	Yes	Yes	U	Yes	Yes	No
South Carolina	V					1974		3,486 703	198 738	9 235	97 110	10	12	142	14	Yes	Yes	U	Yes	Yes	Yes
South Dakota	M		●	●		1958	1958	707,000	170 000	4 185	167 854	10	11 5	400	10	Yes	Yes	U	Yes	Yes	Yes
Tennessee	M		●	●		1972	1985	4,877 185	571 982	20 000	321 000	11	14	1 100	19	Yes	Yes	M	Yes	Yes	Yes
Texas	M		●	●	●	1972	1988	17 000 000	1,180 000	28 882	271 325	10	14	2 533	20	Yes	Yes	U	Yes	Yes	No
Utah	M		●	●		1957	1960	1 800 000	237 000	12 300	400 000	15	18	400	24	Yes	Yes	M	Yes	Yes	Yes
Vermont	M	●	●	●		1959	1975	580,000	107 500	3,513	93 311	12	15	822	18	Yes	Yes	U	Yes	No	Yes
Virginia	M	●		●		1961	1988	6 187 358	438 738	22 410	483 488	10	12	1 390	16	Yes	Yes	U	Yes	Yes	Yes
Washington	M					1955	1957	4 800 000	288,145	8 000	900 000	10	14	900	10	Yes	Yes	U	Yes	Yes	No
West Virginia	M	●				1968	1990	1 700 000	271 804	11 440	115 104	10	13 5	517	18	Yes	Yes	U	Yes	Yes	Yes
Wisconsin	M	●	●	●		1967	1985	4,820 907	1 083 394	26 833	433 713	10	10	2,527	10	Yes	Yes	U	Yes	Yes	Yes
Wyoming	M	●	●	●		1962	1979	453 588	281 887	[illegible]	90 083	12	18	430	18	Yes	Yes	U	Yes	Yes	Yes
Totals	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]			247,876,077	16,740,004	880,104	16,986,784			86,749		[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible]

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Each holder of a permit engaged in collecting such wild animals shall carry his permit with him at all times and shall exhibit it upon demand to any game protector, constable, sheriff, deputy sheriff, or police officer, or the owner or person in lawful control of the land upon which he is collecting, or to any person. Failure to so carry or exhibit such permit constitutes an offense under this section.

Each permit holder shall keep a daily record of all specimens collected under said permit and the disposition of such specimens and shall exhibit said daily record to any official of the division upon demand.

Each such permit shall remain in effect for one year from the date of issue, unless it is sooner revoked by the chief, and all permits in effect on September 1, 1951, are hereby canceled and void as of January 1, 1952.

All moneys received as fees for the issuance of such scientific collecting permit shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the fund created by section 1533.15 of the Revised Code.

HISTORY: 1988 S 256, eff. 7-20-88
127 v 670; 1953 H 1; GC 1409

Penalty: 1533.99(E)

CROSS REFERENCES

Scientific collecting permit regulations, OAC 1501:31-25-01

LEGAL ENCYCLOPEDIAS AND ALR

OJur 3d: 3, Animals § 11, 50; Fish and Game § 23, 24, 31

NOTES ON DECISIONS AND OPINIONS

1 NP(NS) 133, 14 D 156 (CP, Butler 1903), Fitton v State. Where the state offers no proof that defendants did not have a permit from the fish and game president as provided by RS 6960a (now RC 1533.08), there is no error since this is a matter of defense which must, to avail the defendant, be proven by him in a prosecution under RS 6960 (now RC 1533.07).

1533.09 Annual report of operations under scientific collecting permit; revocation and forfeiture of permit

Before the first day of February of each year, each scientific collecting permit holder shall file with the division of wildlife a written report of his operations under the permit and the disposition of the specimens collected during the preceding calendar year on report blanks furnished by the chief of the division of wildlife. Failure to file said report shall cause said permit to be forfeited as of the first day of February. Permits are not transferable. No permit holder or person collecting wild animals under color of such a permit shall take, possess, or transport such wild animals for any purpose not specified in said permit.

Conviction of a violation of this section, failure to carry said permit with him and exhibit it to any person requesting to see it, or the violation of any other law concerning wild animals constitutes a revocation and forfeiture of the permit involved. The former permit holder shall not be entitled to another permit for a period of one year from the date of said conviction.

HISTORY: 1953 H 1, eff. 10-1-53
GC 1409-1, 1409-2

CROSS REFERENCES

Scientific collecting permit regulations, OAC 1501:31-25-01

LEGAL ENCYCLOPEDIAS AND ALR

OJur 3d: 3, Animals § 11, 50; Fish and Game § 23, 37

HUNTING AND TRAPPING LICENSES, STAMPS

1533.10[9] Hunting licenses; tourist's small game hunting license; evidence of previous license or hunter safety training

Except as provided in this section or division (A) of section 1533.12 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense. Every applicant for a hunting license who is a resident of the state and age sixteen or over shall procure a resident hunting license, the fee for which shall be eleven dollars, unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a resident hunting license to the applicant free of charge. Every applicant who is a resident of the state and under the age of sixteen years shall procure a special youth hunting license, the fee for which shall be one-half of the regular hunting license fee rounded up to the next highest dollar. The owner and the children of the owner of lands in the state may hunt thereon without a hunting license. The tenant or manager and children of the tenant or manager, residing on lands in the state, may hunt thereon without a hunting license. Every applicant for a hunting license who

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is a nonresident of the state shall procure a nonresident hunting license, the fee for which shall be eighty dollars, unless the applicant is a resident of a state that is a party to an agreement under section 1533.91 of the Revised Code, in which case the fee shall be eleven dollars.

The chief of the division of wildlife in the department of natural resources may issue a tourist's small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be twenty dollars. No person shall take or possess any animal that is not small game while possessing only a tourist's small game hunting license. A tourist's small game hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the tourist's small game hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a special deer or wild turkey permit as provided in section 1533.11 of the Revised Code or the taking and possessing of ducks, geese, or brant without first having obtained, in addition to the hunting license required by this section, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code.

This section does not authorize the trapping of fur bearing animals without first having obtained, in addition to a hunting license required by this section, a trapping permit as provided in section 1533.111 of the Revised Code.

No hunting license shall be issued unless the applicant presents to the agent authorized to issue the license a previously held hunting license or evidence of having held such license in content and manner approved by the chief of the division of wildlife, a certificate of competency issued upon completion of a hunter safety and conservation course, approved by the chief, or evidence of equivalent training in content and manner approved by the chief.

No person shall issue a hunting license to any person who fails to present the evidence required by this section. No person shall purchase or obtain a hunting license without presenting to the issuing agent the evidence required by this section. Issuance of a hunting license in violation of the requirements of this section is an offense by both the purchaser of the illegally obtained hunting license and the clerk or agent who issued the hunting license. Any hunting license issued in violation of this section is void.

The chief, with approval of the wildlife council, shall by rule prescribe a hunter safety and conservation course for first-time hunting license buyers and for volunteer instructors. The course shall consist of subjects including, but not limited to, hunter safety and health, use of hunting implements, hunting tradition and ethics, the hunter and conservation, and the law relating to hunting. Authorized personnel of the division or volunteer instructors approved by the chief shall conduct such courses with such frequency and at such locations throughout the state as to meet reasonably the needs of license applicants. The chief shall issue a certificate of competency to each person who successfully completes the course and passes an examination prescribed by the chief.

HISTORY: 1991 H 298, eff. 7-26-91
1989 H 111; 1986 H 848; 1981 H 371; 1978 S 419; 1975 S 243, H 165; 1973 H 399; 1971 H 963; 132 v H 243; 130 v S 310; 127 v 113; 1953 H 1; GC 1431

Penalty: 1533.99(E)

PRACTICE AND STUDY AIDS

Baldwin's Ohio Township Law, Text 65.08

CROSS REFERENCES

Hunter safety and conservation student and instructor regulations, OAC 1501:31-29-01

LEGAL ENCYCLOPEDIAS AND ALR

OJur 3d: 50, Fish and Game § 23, 37
Am Jur 2d: 35, Fish and Game § 45
Applicability of state fishing license laws or other public regulations to fishing in private lake or pond. 15 ALR2d 754

NOTES ON DECISIONS AND OPINIONS

23 OS(3d) 35, 23 OBR 30, 490 NE(2d) 612 (1986), State v McDaniel. OAC 1501:31-15-11(H) and 1501:31-15-11(I), which allow landowners but not tenants to obtain antlerless deer hunting permits, are invalid because they conflict with RC 1533.10 and 1533.11, which require equal treatment of landowners and tenants.

1 Abs 407, 22 LR 371 (App, Pike 1923), Fenner v State. License requirements of this section apply only to those who hunt for sport, pleasure or profit, not one who pursues and kills a fur bearing animal which has become a nuisance by causing property damage.

1 Abs 407, 22 LR 371 (App, Pike 1923), Fenner v State. Foxes which have killed a person's lambs or chickens may be destroyed by him without a license on the land of a neighbor who orally requests it.

436 US 371, 98 SCt 1852, 56 LEd(2d) 354 (1978), Baldwin v Montana Fish & Game Comm. A state need not have the same or

Senator KOHL. That is a very good statement, Mr. Stokes. We appreciate your being here.

Dr. Haller?

STATEMENT OF DR. J. ALEX HALLER, JR.

Dr. HALLER. Senator Kohl, Senator Cohen, ladies and gentlemen, I am very pleased to be here to speak on behalf of children as a pediatric surgeon. I am also the director of our Maryland State Pediatric Trauma Center, and so I am on the receiving end of too many children with serious injuries, including handgun injuries.

I believe that we must, as physicians and nurses and other health care providers, come to grips with the fact that this is a major public health problem. For too long, we have said it is a problem of society, it is a problem of the playgrounds, et cetera. But I think we must begin looking at this as a disease of our modern society, and in so doing we can begin to approach it in the same way we approach other diseases that are killing our children.

I think we need to emphasize that as we see these tragic injuries—killed, injured and crippled children—they are shot by weapons which are not needed for legitimate hunting and sporting purposes, and are in the hands of irresponsible adults and may fall in the hands of innocent children and young teenagers. That I see as the main public health problem.

This last year in Maryland, I took care of a 4-year-old boy who was shot in his grandmother's dining room on a Sunday by a stray bullet. He came in through our emergency medical system for children, was operated upon brilliantly by one of our neurosurgeons, and fortunately survived in spite of that bullet being in his brain.

A 12-year-old girl just 3 months ago was talking with her friend at dusk over her back fence when she heard some popping noises, realized it might be guns, turned to run and was shot in the shoulder. Her father, who is the president of that PTA, has eloquently testified about the terror that that has brought to the family and all members of her class, so that she is fearful now of even going outside in the evening.

A 7-year-old boy was taking his bath when his 16 year old brother came home with a handgun, and he said, let me see that, Bill, and he handed it to him to look at in the bathtub and he shot himself in the abdomen and died in our hospital with a liver injury.

These are the kinds of injuries that we are seeing in increasing numbers at the same time that we have been trying to address other injuries in children, and I would point out to you that the main cause of death in the United States of children is injuries. Of those injuries, the main cause is motor vehicle-related injuries, but in the State of Maryland this last year, for the first time, handgun-related injuries were responsible for the deaths of more children than motor vehicle-related injuries.

The increase is what is coming so vividly to our attention as physicians and nurses, and it is for that reason that we are speaking out and saying we must address this as a public health problem in our society.

This last year in Maryland, there were 26 children who were killed as a result of handgun injuries. There were 40 children other than those who were hospitalized in our children's center with handgun injuries. I would submit to you, if 26 children died of poliomyelitis this last year, or if 40 children drowned, there would be a public outcry. There would be question about the quality of medical care available in our society. Yet, this is the toll of handgun injuries in our State.

I am in strong support of your bill, Senator Kohl. I believe you should add one other proviso, and that is that there should also be the prohibition of the availability of handguns to juveniles. That is more difficult, but we do have a new law in Maryland which makes it illegal to have a handgun in the home if a child is injured. There is a stronger penalty under those circumstances. Whether that could be included or not in a Federal bill, I don't know, but I applaud your efforts. I think all of us in the medical profession who care for these children want to stand up and be heard.

Children are not felons, they are not criminals. They are caught in the crossfire and are innocent victims, and these handgun injuries are not accidents. They are absolutely predictable in the circumstances in which children find themselves.

Thank you.

[The prepared statement of Dr. Haller follows:]

PREPARED STATEMENT OF DR. J. ALEX HALLER, JR.

I am a Pediatric Surgeon in the Johns Hopkins Children's Center who is responsible for the resuscitation and treatment of children in Maryland who have life threatening injuries and are brought to our Regional Trauma Center for Children. I and my staff, especially trauma surgeons and emergency room physicians, are the ones who treat children who are the victims of handgun injuries as a part of the violence in our school yards, playgrounds, and homes. We, unfortunately, see the tragic results of killed, injured and crippled children who are shot by weapons which are not needed for legitimate hunting and sporting purposes and are in the hands of irresponsible adults and may fall in the hands or innocent children and young teenagers.

I see this as a *major public health problem* for children because it is truly a disease of our modern society which impacts upon the innocent lives of our children. As physicians, I think we have been too slow in recognizing the important impact on the health of our children in the United States from handgun injuries and have not stepped forward in a leadership role to emphasize the need for educational, prevention, handgun control, as well as bettersystems of emergency care for children, including intensive care and rehabilitation. We have done a fairly good job as physicians and nurses in organizing our emergency rooms, our intensive care units and inpatient facilities to treat children who have been seriously injured by motor vehicle accidents, falls, and handgun injuries but we have done little to address prevention of the handgun injuries. We have done a lot to decrease the injuries from motor vehicle crashes, including child restraints and seat belts and better education of children as they cross streets to and from schools and homes. We have done a reasonable job in preventing serious falls particularly from our high rise buildings and tenant houses during the summertime with better construction and window safety features. What have we dome to address injury control fromhandguns?

Last year in Maryland, I helped take care of 40 children who were admitted to the Johns Hopkins Children's Center with handgun injuries, two of whom died and more than a dozen are continuing in rehabilitation as a result of crippling injuries from those handguns. During that same time, 26 children died from firearm injuries in Maryland. For the first time in our trauma registry,we have seen handgun deaths increase to the point where they are greater in number than deaths from motor vehicle injuries in the state of Maryland. If 40 children had been admitted to the Johns Hopkins Children's Center with poliomyelitis or 26 children had died from drowning, there would have been a public outcry from the medical community and from society for better understanding of this disease, both prevention and treatment. This is the death toll from handgun injuries in the state of Maryland.

During this time (1992) I took care of a 4-year-old boy who was hit by a stray handgun bullet in his grandmother's dining room and was brought unconscious to our Children's Center where he fortunately recovered after a brilliant neurosurgical procedure removed the bullet from his brain. A few months later, I participated in the care of a 12-year-old girl who was talking over the back fence near her home to her girlfriend when she heard gunshots and then was struck in the right shoulder when she was running away from the noise. Fortunately, she did not receive any permanent damage after she was treated and the wound healed.

Handgun, especially those with multiple shots, are an unacceptable danger to our children because of their potential to shoot a large number of people in a very short time. More people are at risk because the bullets can be discharged in a shorter period of time. "Bystanders" are more likely to be shot. Children find handguns in the home and if loaded and unprotected they are thought to be toys and can be discharged, injuring their friends and other members of the family.

Children are not felons. They are not criminals. They are innocent victims in a violent society in their playgrounds, school yards and homes. It is of increasingly grave concern to us as physicians that children are experiencing a larger number of these bystander shootings. It was bad enough when children were injured with gunshot wounds in and near their homes in unintentionalincidence but where the victim knew the person pulling the trigger. Now, more and more children are felled in their home and school environment with a scatter of bullets meant for others, especially in drug related incidences.

Teenage suicide is on the increase; and in one recant study, 88 percent of those suicides resulted from the use of handguns in the home. As physicians, we can treat attempted suicide victims who take poisons and overmedication by pumping their stomachs. There is little that can be done if a handgun bullet has destroyed the child's brain.

I believe that Senator Herbert Kohl's proposed Bill to prohibit the possession of handguns or ammunition by a juvenile is one important step in the right direction. I would only add that it should also address the *prohibition of the availability of handguns to a juvenile* as well as the possession of a handgun or ammunition and the private transfer of the handgun or ammunition. Thank you very much for this opportunity to speak out as a physician, father, and grandfather of 11 grandchildren, to focus on this major public health issue for children as a part of the violence in society. Handgun injuries are not accidents. They are predictable and they are a disease of our modern society. Thank you.

Senator KOHL. Thank you, Dr. Haller.

Ms. Hatton, I read somewhere that Howard Fuller, who is the superintendent of public schools in Milwaukee, has already sent 17 condolence letters this year to kids who have been killed in school, mostly by firearms, or in and around school. Is that true?

Ms. HATTON. Yes, Senator Kohl. On June 1st at our principal's meeting, Dr. Fuller did give that statement to us that he felt very bad as the superintendent of over 99,000 children that he had to send out 17 letter of condolences for deaths related to handgun usage. One letter could not be delivered because there was no address that we could find a responsible adult.

Senator KOHL. When you think about your school and your job as a teacher and as a principal in our community where you live and I live, with respect to the kids and their education, their well-being, how they are growing up and the values that they have, are there many things more important that we could do than to get handguns out of their possession, out of their lives?

Ms. HATTON. I believe there are some things we could do in conjunction with what you are proposing, and that is the economic impact would certainly be to have opportunities for employment, improved education, because if we have more dollars, we can improve what we do. Many of our dollars and fiscal allocations are allocated for things that are noninstructional.

We need to have support centers, community agency support, and I truly believe that entitlement programs have an impact on giving children and their parents more to do than to have idle time where, as the doctor referred to, incidents occur that are very predictable.

Senator KOHL. All right, thank you very much. Mr. Stokes, have you spoken with any gun manufacturers about law enforcement's efforts to control the proliferation of firearms, and what do they think about waiting periods, for example?

Mr. STOKES. Senator, I have talked to some gun dealers and some manufacturers that have pointed out one staggering fact to me, and it is that it is reported by them, at least, back to me that taking California, for instance, they have a 15-day waiting period, and right now gun manufacturers are having a tough time keeping up with the orders in California alone. So I don't think a waiting period impedes the manufacture of firearms, and I believe that manufacturers, if given the opportunity, who would speak out directly to the Senate or to the Congress would tell you that they don't want their weapons used illegally and they don't want them misused. I believe that the ones that I have spoken to would support, and do support a waiting period for the purchase of a handgun or any gun.

Senator KOHL. How would they feel about this legislation? How would they feel about Senator Chafee's legislation?

Mr. STOKES. I don't think they support Senator Chafee's legislation. Your legislation, I don't think they have read because when I had these discussions some time ago I was even unaware of the proposed legislation. So I don't know how they would exactly feel about your legislation at this point. I would be happy to share it with some of them and let them see it.

Senator KOHL. Thank you. Dr. Haller, you refer to it as a disease and we should treat it like other diseases. I thought that was very intriguing. I don't have any particular comment to make, but I think you are absolutely on the mark. It is a disease in our society—kids and guns, killing other kids, ruining their own lives, having a terribly negative effect on the values in our society.

It is a disease of the worst sort, and there is no other way to treat the disease except to get rid of the guns. I mean, I think that is what you are saying. Any other effort is going to fall short of treating that disease that you describe. Is that what you are saying?

Dr. HALLER. Well, I am not necessarily advocating removal of all handguns from people.

Senator KOHL. No, from kids.

Dr. HALLER. But from kids, because I think responsible individuals can use firearms, and I grew up believing that. But I think we must have children protected from an environment that has loaded handguns in it. At the present time, there is no such provision made in most of our homes, schoolyards, and schools, as we have heard this morning and as we have all read in the newspapers.

Senator KOHL. What do you think society would think of our Government here in Washington if we weren't able to pass and then see to it that we enforce a law as simple as no guns for kids? What would the people out there who send us to Washington think if we weren't able to pass a law like that? What do you think?

Dr. HALLER. I would use the word "irresponsible" of our legislators if that were not passed, and I feel the same way and I believe most members of the NRA feel the same way, that their children and their grandchildren must be protected. They may have different approaches to trying to do it, but together we should be able to come up with some reasonable type of legislation and control because, with the addition of drugs to this society, the availability of handguns then has no responsibility because then the young people's minds are altered and any gun available is going to be used in a way that is predictable.

Senator KOHL. Senator Cohen?

Senator COHEN. Thank you, Mr. Chairman. I was going to follow up that question, Dr. Haller, with the observation that we can pass a law. Enforcing it is an entirely different matter. We have laws prohibiting the possession of cocaine or crack or heroin. It is illegal to possess or to use those drugs. Yet we are drowning in drugs in this country. So the mere passing of a law doesn't necessarily mean it is going to cure the problem.

Mr. Stokes, I think you would probably agree that the mere passage of a law that will ban the sale or the possession by juveniles of either handguns or ultimately any gun isn't going to be necessarily the ultimate solution because there will be a black market for firearms, won't there?

Mr. STOKES. I think that a lot of the guns that are illegally used are obtained off the black market or stolen. But why do minors contained within the scope of this legislation under 18—why do they need handguns? I think that is what we have got to ask. Then we have got to say to the parents, your child doesn't need a handgun. And if you have got a handgun, why wouldn't you spend $6, $8, $10 for a lock, lock it up, or put a lock through it? Why not teach gun safety and teach the results of illegally using that gun or touching that gun?

When you illegally use that gun, as one of the previous testimoneys related to, the impact of the judicial system must be swift, but it also must be strong and it must be determined to carry out the sentence of the court and the jury and not let them go. We see it right now in this country, in Texas, another leading State where more people were killed with firearms last year than in automobile accidents. The impact on our hospital care in this country and the rehabilitation of gunshot wounds—all these things come into play.

When the average American citizen sits out there and says, well, how does this impact me, look at your auto insurance, your business insurance, your homeowners insurance and your hospital insurance. It directly impacts every middle American, every American across the spectrum.

So we have got to look at it and say let us pass a law that is enforceable and, from the statistics of the Harris poll, has the general support of the country right now, and stop these violent acts that are occurring, and educate.

Senator COHEN. Let me go on a little bit further. I agree with what you are saying at this point, but let me switch quickly to Ms. Hatton. What do you do when you find one of your students in possession of a handgun? Do you call the parents? Is it automatic expulsion? What action do you take?

Ms. HATTON. First of all, the action is imperative. We call the Milwaukee Police Department, and if it is on a bus, if it is a county bus, we call the Milwaukee County Sheriffs to assist in the holding of this person or retrieval of the gun itself.

The principal's job is, first of all, to obtain information. If a person has reported this gun in a locker, a locker search can be done and conducted. We then go to the locker. As the principal, I will take an assistant principal with me and a security person. I do not have to ask the child to open the locker. We have a documented statement that says these lockers belong to the Milwaukee public schools.

Upon doing that, there is what is called due process in our school for children to have a hearing through Student Services Division, where a preliminary expulsion hearing is given to the child, his parent or significant other, and the principal takes the case with the district attorney representing the principal in this preliminary hearing. That is then advanced if, given credence, a gun was in possession on school property or within the school.

After that, there are two separate management tiers to this. The school has its process and the public has its process through the law enforcement agencies. Our expulsion policy, though, is not what we as adults in this room know expulsion to be. Expulsion, in my mind, has always been a when a child is excluded from education totally. In Milwaukee public schools, our children are excluded usually to an alternative site that is managed and financially offered by the public schools and the taxpayers.

Senator COHEN. Let me ask you a question. I have a number I want to ask, but I want to yield to our colleague who has just joined us. What do you feel about the use of metal detectors in schools? I know that it is very controversial. When Senator Kohl and Senator Chafee point out that anywhere from 100,000 to 130,000 students each day carry a handgun to school, it seems to me that it requires some pretty strong reaction. What is your reaction to the proposal of having metal detectors where there is a problem of weapons being brought into the school?

The ACLU has challenged that, number one, on constitutional grounds. They also, I would assume, take the position that it may be racially motivated, and that we concentrate on schools that may have a high minority population. What is your reaction, Mr. Stokes, Dr. Haller? Is that something we should pursue?

Ms. HATTON. Personally, I don't like it as a person, but as a professional I think we have to look at measures to ensure safety for those people who enter the portals of that particular public building. We need to challenge the ACLU and any other group who wishes to challenge this based on ideologies that talk about discrimination. We would not be unfair in our school district of particularly singling out any one group or the other. If anything, our business is to purport that we are ensuring safety by excluding those who may bear arms.

Senator COHEN. Mr. Stokes?

Mr. STOKES. I think that, of course, any type of security or going through a metal detector, I think, deters from the educational atmosphere and it impedes some students, or the ACLU may think it is an infringement. But at the same time, what about the guaranteeing of the safety of those children in an environment where they can safely learn and don't have to worry about it?

We have incidents that I point out in this book where the teacher was teaching in the classroom and a student's shots were entered in the classroom from the housing project next door. I have a 4-year-old in Chicago going across to go to a Head Start program that was gunned down crossing a 40-yard section.

So is it necessary? Maybe 40 years ago it wasn't. Today, metal detectors are probably an acceptable practice to ensure the safety of the students and the teachers in the classroom so they can teach in an environment where they are free from a threat. That is a said fact, but that is it until we do pass some legislation that ensures that those weapons are not going to be illegally used or taken to a school. That is why we pass laws on a local level right now that some are opposed to, letting cities and States pass separate laws saying that guns should not enter the school area, that it is a school safety zone for that.

Senator COHEN. I was just going to ask you which do you think would have the most immediate short-term beneficial impact. I have indicated before I think this may be an important step to take, but it is not going to resolve the issue.

I think you have indicated, Mr. Stokes, that we have got to persuade children not to carry firearms by means of swift and harsh punishment for those who do; educational programs or conflict resolution training in schools; and public service announcements by more popular music and television idols of the day. You mentioned the Ice T situation. I was watching this morning's news and one of the young men who was accused of murdering a police officer is now citing the music from that particular rap song, saying it inspired him to go out and commit that particular murder.

So this, as I mentioned in my opening remarks, is a complement to the hearing we had yesterday in terms of a level of violence that has become acceptable or encouraged through music, through television, through all facets of our society. We have raised the level of tolerable violence.

Senator Moynihan wrote an article some time ago. I think the title was "Defining Deviancy Down." The essence of that article was that we have redefined what we consider unacceptable or violent behavior. The murders of the St. Valentine's Massacre involved three or four individuals and made international news on several occasions. It wouldn't make the fourth page of the metro section of this town's paper today.

We have defined deviant behavior down in a way that what was once unacceptable today is quite acceptable, and we have got to change that attitude. It is not only the guns, although the guns are part of it. It has to do with the drug culture. It has to do with music. It has to do with entertainment and sports, as I indicated before, in terms of what we reward in way of behavior.

Something has to be done about changing this society of ours to make it more humane and less violent, and that is not going to be accomplished simply by passing a law to take guns out of the schools, away from the hands of kids. That isn't going to do it because there will be a black market. They will continue to engage in violent behavior unless we find ways to deal with that. I think education is going to be a key more and more in terms of controlling the flood tide of drugs that is overwhelming this country, and rebuilding the family units which have been destroyed over the decades. All of that really is at the heart of this country's problems.

Mr. STOKES. When you do that, Senator, someone has to take the first step.

Senator COHEN. I understand.

Mr. STOKES. Legislation of this nature is a step in that direction, but again it has to be combined with, I think, the things that we are talking about here as three separate professions. They have to be combined to say to society this is important. If the teacher is going to teach, he or she has to be in an environment where they can teach. They can't be in behind bullet-proof glass when it is 110 degrees outside because of what is next door.

Senator COHEN. What I am suggesting is you can take the handguns away, but then they will find a way to have small sawed-off shotguns.

Mr. STOKES. Well, they are available now.

Senator COHEN. Right, so it is not just a handgun. There will be ways in which to commit the violent acts. We have got to deal with resolving the violence itself, and that is a multifaceted and complex problem. As I indicated before, many social factors are involved.

Dr. Haller, you said that these are children not felons. Ms. Ramsay, who testified initially, might tell you that the 16-year-old boy who murdered her boyfriend is a felon. And that he is not being treated as harshly as she or others might like.

You mentioned, Mr. Stokes, that gang members now have young juveniles, teenagers, commit the acts of murder or violence, knowing they will get a better break or an easier break. Maybe we ought to start having a policy in which we hold all the gang members responsible as accessories to murder, aggravated assault, and whatever, much as we perhaps ought to hold the parents responsible when their children commit acts of violence under their direct supervision, or use a weapon that is in the house. You talked about this, Dr. Haller. It seems to me that we ought to impose a much stricter penalty against violent behavior.

Mr. STOKES. I think that is what ATF is doing with their Triggerlock program, going after those people under that program, which has turned out to be an excellent program and has had a tremendous impact in State and local communities where we can do that.

Senator COHEN. Thank you, Mr. Chairman.

Senator KOHL. Thank you very much, Senator Cohen. I would like to welcome Senator Moseley-Braun here. She is the newest member of our subcommittee. We are delighted to have you here this morning.

Senator MOSELEY-BRAUN. Thank you, Senator Kohl, and my colleague, Senator Cohen. I am delighted to have a chance to see my friend, Dewey Stokes, and to congratulate him. I don't know the other members of the panel personally, but I do know Mr. Stokes and the leadership that he has provided within the law enforcement community around these issues.

I think that, if nothing else, it is really important to focus in on the message that Dewey Stokes has represented in this debate, which is responsible gun ownership. To say that there is a middle ground between the people who want to get rid of guns and the people who want to protect the second amendment—and that middle ground has to do with the level of responsibility that will stop our kids from killing each other and will make our communities safer and restore our domestic security.

I think, coming out of law enforcement, that is particularly important, and I want to congratulate him for the leadership that he has shown in this area, and participating in this debate, and for the way that he has represented law enforcement and the law enforcement community in this entire intellectual argument or debate and coming together, because I think that somewhere we are going to have to find some answers quickly. If anything, the consensus, I think, is building that we can no longer just allow these issues to just go and be neglected; that we have to begin to take some responsible action in this regard.

I am reminded, listening to your testimony, Mr. Stokes, of my brother, who, as you know, is in the Chicago Police Department. He is now in homicide, but before that—my brother had a cap that said our day begins when your day ends. That was a joke, actually.

In any event, before he went into homicide, he was at two schools in Chicago, one of which was particularly violent and, in fact, he was shot at at that school, and that school had a metal detector. So it seems to me that the issue transcends putting up metal detectors. We cannot guarantee the safety of anybody with metal detectors. It may have a chilling effect on the youngsters bringing weapons into schools, but that one youngster that is determined to come in and terrorize a school is not going to be stopped by the fact that there is a metal detector because they will get them in in any event. At least that has been the experience that we have seen.

Ms. HATTON. Senator, if I might, they have to also be operative. I think school budgets show constraints, so when schools in Chicago—and I read it. Financially, they were not able to have it operating every day, and it was a chance. So kids know things are not operating every day. They, too, take chances. I am certain in Milwaukee, if the board of directors chose to install this particular type of detector, they would ensure we would have human resources and the electronic operation for backups on it to make sure it would operate, because our kids are sophisticated.

Senator MOSELEY-BRAUN. Yes, that is correct, Ms. Hatton, and I am going to get back to my question of Mr. Stokes, but to make the point that you just made, the problem with that is that that takes resources out of education. I mean, we are talking about not having enough money, enough tax dollars to go around to provide instructional support for our young people. Now, to have to divert what limited funding there is into this exercise is doubly dumb, it seems to me. I mean, some way or another we are missing the point.

Ms. HATTON. Exactly.

Senator MOSELEY-BRAUN. I want to get back to Mr. Stokes because it seems to me that there are some approaches that we can take to limit handguns around the schools that maybe are not being considered. You mentioned one when you talked about the zone concept, and I would like to elaborate on that a little bit.

You also mentioned it in another way when you talked about the costs of insurance, homeowners insurance, property insurance, and the like. I guess my second question would be do you see any potential in handgun insurance, owner insurance, so as to drive the costs up. Maybe parents will be a little more careful. They will lock it up with the family jewels, as it were, as opposed to leaving it out on the kitchen table for the youngsters to take to school.

Do you see a potential for use of insurance with regard to handguns as an alternative approach, and are there other approaches that you think would help dry up the supply of handguns to young people?

Mr. STOKES. Yes, and if you will reiterate your first question?

Senator MOSELEY-BRAUN. The first part was about the zones. The second was about insurance, and the third is if there are any others.

Mr. STOKES. The school zones—and in the booklet that I provided in addition to my testimony, there is a copy of our city ordinance on what we call guns and drug-free school zones that was passed, and then a proposed piece of legislation by State Representative Jane Campbell from Ohio, has proposed at the State level to stiffen penalties for those who bring around the school—not into the school, but around the school—drugs or guns.

It has had an effect in our community, and within the book I have a statement from the commander of our juvenile bureau who says that since it has been implemented, it has had an effect. So, that has run some of the drug dealers and guns out of those school areas because our judges have taken it seriously and they are implementing tough, no-nonsense-type sentences.

Insurance-wise, I believe that the whole country has been in an uproar about insurance, and perhaps the doctor can speak to this from a medical aspect better than I can. But from my association—and the American medical documents come up with what we spend on just gunshot wounds. A couple of years ago, it was like $1.5 billion, or a little over $1 billion in 1 year. That did not include the rehabilitation of those individuals. It did not take into consideration long-term rehabilitation, which sometimes in gunshot wounds may run 2, 3 years.

Those are the types of impacts that affect the average citizen out there that thinks that it is not going to bother them—the businessman, the robbery insurance that he must carry. Then, again, he as a potential victim who uses a weapon then has to pay a lawyer to represent him if someone comes into his store or his place of business. You know, I think those types of costs are the costs that I was referring to that many people overlook and say it is not affecting them at home.

Even though they are not that one of five that we talked about earlier, they are affected. So each and every working American, every working poor that is without insurance, is affected by the costs of these insurance costs. There are many people that have homeowners policies that don't realize their homeowners policy is going up because of large settlements where firearms are used in the home or found in the home by a child that accidentally shoots a playmate or intentionally shoots a playmate. Those costs are definitely going up and they are adding to your homeowners costs across America.

Senator MOSELEY-BRAUN. Do you have any other suggestions in terms of approaches that we might take?

Mr. STOKES. I believe that mandatory gun training for those who hunt in every State should be implemented. I believe that there should be continuity of a Federal law throughout the country that affects every minor in regard to this legislation so that there is some consistency, so that the law is the same in all 50 States.

Within the booklet you will find the differences of laws within each of those States. There is no consistency, and I believe that it should be consistent. I don't think that a 12- or a 13-year-old should be permitted to walk down the street openly carrying a firearm. Today, in some States, if that 13 year old does that, I as a law enforcement officer have no law in that State to stop that individual and question him or her about where they are going with that gun.

I have to wait until they use the gun and react to a crime, and that is what I was saying about this legislation. If we could get some legislation that would help law enforcement prevent crime and not merely react to it, that is the positive side of this legislation, I believe, if it can be worked out. I think there are some areas within the legislation that need to be refined and more detailed addressed, but again, as I said earlier, we are willing to work with this legislation to try and define that and get it down to where it is a piece of workable legislation. I think it is a step in the right direction, absolutely.

Senator MOSELEY-BRAUN. Thank you.

Dr. HALLER. Senator Moseley-Braun, may I just add one comment about that because I think you are seeking ways in which we might approach this, and we certainly are in the same way from the medical standpoint.

When we were trying to decrease the incidence of serious injuries from motor vehicle-related accidents in children, we first had to find out what was causing them to look at the ways in which children were injured, and it was perfectly clear that one way was that they were not restrained, and so the child restraints came into being. They have had a profound impact on the mortality associated with it.

Then seatbelts as you get older—and who is it that tells you to hook up your seatbelts? Your child. I mean, you can teach children. You can't teach adults much, but I think the approach in the schools is where we must focus our attention.

I would like to second what Mr. Stokes has said about mandatory handgun, firearm education in areas where they are going to be used, and I would encourage the National Rifle Association, which has an excellent hunter safety course, to come forward and provide funds to help with the costs of those educational purposes in the schools, rather than having all that money used for lobbying for other purposes. I mean, that would be a positive approach to decreasing injuries to children and young adults that would make it possible for us to have such courses, more effective ways of teaching children to resolve their conflicts rather than resorting to a handgun.

One of the real problems that we see as physicians is that we can prevent some of these things. For example, if a teenager disappointed in love takes some drug or slashes their wrists, we can treat them when they come in, but the vast majority of teenage suicides now are by handguns. When they have blown away their brains, you can't do anything for them. It is beyond any treatment that we can give them. So I think we have got to address it preventive-wise, as well as looking at better means of getting that educational part across to our young people.

Ms. HATTON. Senator, if I may just add quickly, I support Senator Moseley-Braun's statements relative to being educated about these issues. A proactive stance is necessary because there is another cost that we failed to mention this morning, and that is once a child who has been injured has returned to a school, oftentimes this youngster is assigned to an exceptional education department and those astronomical figures of educating that child usually is four or five times the cost of educating a nonexceptional ed child.

Senator MOSELEY-BRAUN. Thank you very much.

Senator KOHL. Thank you very much, Senator Moseley-Braun.

Senator Cohen?

Senator COHEN. Just a final comment, Mr. Chairman. First, this has been an enormously impressive panel, and I think you have made a really positive contribution to the development of this legislation in the spirit in which you have addressed it.

I haven't made up my mind about the advisability or wisdom of using metal detectors in schools, I must tell you, but I would point out that here we are sitting on what Ronald Reagan used to call this shining city on the hill, this beacon to the hopes of many other nations, and everybody who comes to visit here has to walk through a metal detector.

Now, we are imposing upon the liberties of the citizens of this country, but I feel more secure, as a matter of fact. We know metal detectors are not infallible. A couple of years ago, notwithstanding the metal detectors, we had a gentleman who came through, sat in the back of one of these committee hearing rooms. He had a briefcase and in it was a loaded .357 Magnum. Thank goodness, there was a woman sitting next to him who noticed it as he opened the briefcase and she went to the police officer at the door and a great tragedy was averted at that moment.

So we may find ourselves in the short term having to strike a balance that would favor more security rather than more liberty. That is always a delicate analysis we have to make. Hopefully, the short-term measures will not be long-term measures. We have got to get back to restoring a sense of values.

Mr. Chairman, I won't delay this much longer, but I pointed out an incident during Janet Reno's confirmation hearings about a friend of mine whose car was stolen but found within a matter of 24 or 36 hours. The car had been stripped and damaged, everything taken. She went to see the young teenagers who had taken the car. There were four of them and their ages ranged between 11 and 13.

She said, look, I know that the car is gone for all practical purposes, so the insurance will take care of the car; please give me my license and registration back because I don't want to deal with the hassle of the DC bureaucracy. That was more important to her at that moment. This little 11 year old said, it will cost you ten bucks up front first. Now, that is how brazen it has become. That is what I am talking about in terms of attitudes and values. We have got a lot of work to do to change that kind of attitude. It means education. It means restoring spiritual values. It means having a family life. It means swift and tough enforcement and punishment in order to get back to some basic core values that I think have been missing for quite some time in our society.

Senator MOSELEY-BRAUN. Senator Cohen, if I may—and I know this isn't supposed to be a colloquy between members of the committee. I, on the one hand, couldn't agree with you more that it is an issue of values. But I think we also have to be realistic about it is that is out there and why we see these symptoms of our failure to address realistically the problems in our society.

In all too many communities, the only economy that exists is the drug culture, and part and parcel of that is handgun use. So, for a lot of youngsters, just going to school is an exercise in taking your life in your hands because the handguns are so much a part of the economic culture of the community that they are unavoidable, both for those who are involved in the illegal drug trade as well as for all the honest citizens and everybody else who feels that that is the only protection they have.

Now, that is not to say anything bad about the police because, if anything, the police are overwhelmed and overworked. I wouldn't trade jobs with my brother the longest day going because he takes his life in his hands every day that he goes out there on any call; not even getting to the call, just being there in the police car, he takes his life in his hands. So you have that reality, with the proliferation of handguns.

We had a hearing just yesterday on violence in the media, with these youngsters getting the message that the thing to do when you are upset, when your boyfriend quits you, when the check is late, when something is wrong, is to blow somebody away.

You mentioned the rap songs. I mean, I have heard some in the last week that just knocked my socks off that were stunning to me. But I dare say that that is art imitating life more than anything else. These youngsters are not writing these songs about "I want a gangster," fill in the blanks, rhymes with "rich." That is a rap song—they have "his" and "her" matching .357 Magnums in this rap song and they go out together shooting up the neighborhood.

Well, that is not art setting a standard for life. That is art imitating life, and that is the problem we have to address, is getting to the conditions that corrupt our core values so badly that we have an epidemic of violence in our communities in this country.

Senator COHEN. I wish you could have been here to hear my opening remarks.

Mr. STOKES. I included the lyrics to one of the rap songs in here for your perusal.

Senator MOSELEY-BRAUN. Did you?

Mr. STOKES. Yes.

Ms. HATTON. For the record, I just have to be fair as a teacher. We can't just say rap; we look at rock, satanic music, heavy metal, blues, jazz, and all of it. It is a permeation of trash that is taking stock of our kids.

Mr. STOKES. Play heavy metal music backwards.

Senator MOSELEY-BRAUN. I am afraid to. No, thank you, Dewey.

Mr. STOKES. When you listen to it, it always has a satanic cult message. It is terrible.

Senator MOSELEY-BRAUN. Mr. Chairman, I have a statement I would like to put into the record.

Senator KOHL. Without objection, it will be so included.

[The prepared statement of Senator Moseley-Braun follows:]

PREPARED STATEMENT OF SENATOR CAROL MOSELEY-BRAUN

Chairman Kohl, first I want to commend you for introducing this important measure banning the transfer and possession of handguns to children. But second, let me say it saddens me that we have reached a point in american society where legislation such as this is necessary. Unfortunately, whether or not we accept it—and I for one do not—we have all become accustomed to 15 and 16 year olds bringing guns into our high schools. The idea of metal detectors and weapon searches in our high schools has become so common that it fails to shock us any longer. But this past year, in my hometown of Chicago, a 7-year-old child was caught bringing a gun with him to school. When asked why, he said he had brought it because he wanted to feel safe. Do we now need metal detectors in the first grade?

Guns are tearing apart our society. Despite what opponents of gun control would have us believe, the majority of the american people are outraged by the permissiveness of our Nation's gun laws. In many places, individuals may easily obtain an unlimited number of guns, regardless of their age, their criminal record or their mental health. The american people have told us it is time to inject some sanity into our gun laws. We can see the triumph of common sense in the recent decision of the New Jersey legislature to maintain a ban on automatic weapons. Common sense also prevailed in Virginia, a state traditionally known for relaxed gun laws, where the legislature recently decided to limit gun purchases to one per month. And common sense is motivating the thousands of american citizens who have urged this congress to pass the Brady bill, to pass legislation banning automatic weapons, and to keep guns and ammunition out of the hands of children.

To those who argue that the second amendment forbids us from adopting the legislation Senator Kohl has introduced today I ask this: Do you truly believe that the Founding Fathers intended the second amendment to allow 11, 12 and 13 year olds to arm themselves? Even the most ardent gun advocate can not seriously argue that the second amendment was intended to grant children unlimited, unsupervised access to guns.

Mr. Chairman, it saddens me to see the atmosphere in which our children are being raised. Our nation's schools are looking less and less like halls or learning and more and more like armed camps. No child can learn in that environment. I don't pretend to believe that the legislation proposed today will solve all of the problems associated with juvenile violence, but it is certainly a step in the right direction. I look forward to the opportunity to hear the witnesses present today, and I thank the chairman for convening this hearing.

Senator KOHL. Thank you. Thank you very much, folks. You have done a great job. I appreciate your being here.

Well, our next witness is Susan Lamson. Susan is the new Director of Federal Affairs for the National Rifle Association, and we are delighted to have you here with us today and we look forward to what you have to say this morning about this bill and the overall problem of gun violence.

We are delighted to have you here. Thank you so much for coming.

STATEMENT OF SUSAN R. LAMSON, DIRECTOR, FEDERAL AFFAIRS, INSTITUTE FOR LEGISLATIVE ACTION, NATIONAL RIFLE ASSOCIATION OF AMERICA; ACCOMPANIED BY RICHARD GARDINER, LEGISLATIVE COUNSEL, NATIONAL RIFLE ASSOCIATION OF AMERICA

Ms. LAMSON. Thank you, Mr. Chairman. Next to me is Richard Gardiner, who is our legislative counsel.

To the extent that problems of violent crimes committed by juveniles can be remedied by the passage of additional firearms restrictions, the NRA is generally supportive of your approach, Mr. Chairman, of imposing reasonable restrictions on the availability and possession of handguns by juveniles.

I want to say that we do appreciate the effort that has been made in the draft legislation to recognize and protect the lawful possession and use of handguns by juveniles because we have to face the fact that most young people use firearms safety and responsibly.

We do have one major concern, though, with the proposed legislation that I would like to address at this point, and that is our understanding in reading the bill is we believe that it would intentionally or otherwise directly involve the Federal Government in an area of criminal justice which has traditionally been left to State judicial systems. I am speaking specifically to the issue of criminalizing certain activities of juveniles.

Under current Federal law, only those crimes which would have been a crime if committed by an adult are prosecuted in the courts of the United States. This is a result of the historical development of the system of juvenile justice to allow for special treatment of offenders which was based upon the status of the person as a juvenile to whom fewer constitutional rights were accorded.

Each State has established such a system with unique rules of procedure and punishment. As the proposed legislation is currently drafted, a whole new system of special procedures for the Federal district courts will need to be created, as well as a special system of institutions to punish such juveniles, if only to avoid mixing them in jails with hardened criminals.

I would like to point out—I am going to digress in a couple of areas with my oral statement just to comment on some statements that have been made earlier this morning. I would like to point out that the incidents described this morning related to children using guns or who were victims of criminal acts by their peers, so to speak, are already covered by laws that have been passed by States, and I will especially note Wisconsin, Maryland and Illinois.

But getting back to your draft legislation, I would also like to note that there are several other amendments that we think should be made to ensure the constitutionality of the bill and to protect juveniles engaging in other lawful pursuits, like hunting. So we would offer to work with you and your counsel in preparing language that would address some of these concerns.

Although the subcommittee is not directly addressing the lawful use of firearms by young people, I would like to underscore the fact that firearms training is valuable, and it is also valuable as a recreational pursuit in teaching children respect for firearms.

Hunting and marksmanship are American traditions that deserve to be recognized and perpetuated. In fact, accident statistics for young people and firearms show that since 1968 the overall rate of fatal gun accidents has fallen by 50 percent. During that time span, no other cause of accidental deaths of children have decreased as significantly, and I would like to note that the 50-percent accident rate decrease for firearms has been almost solely the product of private educational efforts by groups such as the NRA, the Boy Scouts of America, 4–H Clubs, and others, and not as a result of government safety training programs.

The NRA is a recognized leader in providing safe firearms handling and instruction to both young and old alike. We have a firearms safety training program called Eddie Eagle that has been given out to millions of individual schools and community organizations and is specifically designed to instill in very young children one idea, and that is guns are dangerous and should be avoided.

Responsibility, however, remains the key in preventing firearms-related accidents. Irresponsible behavior by adults which allows children unsupervised access to firearms is no accident, nor can it be legislated away. However, it is one thing to teach a child that firearms should never be pointed in an unsafe direction, yet quite another to instill in that child the values which engender respect for human life.

We know from experience that teaching young people to respect firearms has to be balanced against numerous competing and often conflicting influences. To name but one factor, the effects of exposure to violence, particularly as it relates to television exposure during the impressionable years, is finally beginning to gain recognition as a serious problem.

These days, children are left with criminals and violent television characters as their only models of gun use, and I think that is a sad state of affairs. The NRA recently, in fact, submitted testimony to Congress concerning our suggestions for developing standards to limit the impact of such media influences on our young people.

However, the criminal misuse of firearms is a manifestation of a deeper societal dysfunction which cannot be addressed so easily. What sadder commentary can there be on the failure to instill moral values and respect for the sanctity of human life in our youth when over the last decade violent crime by juveniles has more than doubled in this country.

The statistics on violent behavior may partially include every race and income group, but the overwhelming disproportionate impact on poor black and Hispanic inner-city children is where the problem lies. Solutions must be tailored accordingly and not be sweeping or symbolic.

The pathologies of the inner city cannot be remedied by creating stronger laws. As policy analyst David Cople has noted, it requires a direct attack on the social ills which cause so many young people to grow up believing that their own lives and the lives of others are not worth living.

Crime that occurs in our schools is obviously a very major concern, and we know that some children feel that they have got to take guns to school to protect themselves. Again, I think we have got to reduce what causes the fear, especially the fear of harm caused by their fellow students, I think, to get at that kind of a problem. If your legislation helps to limit the factors that allow youthful criminals to acquire the means to commit criminal acts, we certainly support that measure.

I would like to note that for NRA—and we have said for a long time that the issue really gets down to enforcing existing laws and incarcerating violent offenders, and that can be juvenile violent offenders. We feel that we need to focus on the failure of the criminal justice system and the juvenile justice system in dealing with the criminal misuse of firearms. The reality is that there are many children who fit the chronological definition of "juvenile," but are adults in behavior.

The preservation or order in our society is directly related to a functioning, effective system of protection for the rights of Americans and prosecution of those who abuse those rights, and our democracy cannot survive without them.

I would like to conclude and thank you for granting me a little bit extra time. I would like to please, with the testimony, submit a study conducted by David Cople called "Children and Guns: Sensible Solutions," and I think he has some recommendations on policy strategy that would be worth reading.

[The prepared statement of Ms. Lamson follows:]

PREPARED STATEMENT OF SUSAN R. LAMSON

Mr. Chairman and Members of the subcommittee, on behalf of the NRA, we appreciate the invitation to testify before the Subcommittee on the important subject of children and guns. I am Susan Lamson, the Director, Federal Affairs Division of the National Rifle Association of America's Institute for Legislative Action (NRA-ILA). Accompanying me is Richard Gardiner, Legislative Counsel for NRA-ILA.

It may be trite to state, but it is no less true, that our young people are our future. The subject we address today involves at least three different components: the lawful use of firearms by young people; firearms as a real or potential threat to young people because of accidents; and the abuse and misuse of firearms in crime by young people.

Obviously, it is the third part of this problem which must be examined. This issue relates to the motivations of young people who carry firearms and commit crimes, and the failure of the criminal justice system to recognize and address the scope of this problem. It appears that society's failure to deal with crime in a meaningful way, embodied in our "catch and release" criminal justice system, begins with and has its most deleterious effects on our youth.

To the extent that the problems of violent crime committed by juveniles can be remedied by the passage of additional firearms restrictions, we support such efforts. With this in mind, let me say that the NRA is generally supportive of Senator Kohl's goal of imposing reasonable restrictions on the availability and possession of handguns by young people. We are pleased that Senator Kohl has made a strong effort to recognize and establish the conditions under which lawful possession and use should be protected. The simple truth, is that most young people use firearms in a lawful and responsible manner. We would particularly welcome this legislative effort if it is accompanied by a heightened attention to the enforcement of those laws which already exist governing the prosecution of the criminal misuse of firearms. Anyone who believes that these laws are presently being enforced and prosecuted should request information on arrests, prosecutions, and sentencing (including the sentences which are actually served) for firearms related crimes from the Federal and state courts. To the extent that we have been able to obtain such evidence, it hardly paints a picture of a serious criminal justice system.

There is, however, one major policy concern with the proposed legislation that must be addressed apart from the specific provisions of the bill. This bill will, intentionally or otherwise, begin to directly involve the Federal Government in an area of criminal justice which has traditionally been left to state judicial systems. I am speaking specifically to the issue of criminalizing certain activities of juveniles. The proposal breaks dramatically new ground for the Federal government.

Under current Federal law, only those crimes "which would have been a crime if committed by an adult" are prosecuted in the courts of the United States, 18 U.S.C.5031. This is a result of the historical development of a system of juvenile justice to allow for special treatment of offenders which was based upon the status of the person as a juvenile to whom fewer constitutional rights were accorded. In the words of the Supreme Court, the system was established because "society's duty to the children could not be confined by the concept of justice alone." *In re Gault*, 387 U.S.1, 15(1967). Every state in the Union has established such a system with unique rules of procedure and punishment. Thus, if Congress intends to start down the path of creating juvenile status offenses—such as those established in the proposed legislation—it will also need to create a whole new system of special procedures for the Federal district courts, as well as a special system of institutions to punish such juveniles, if only to avoid mixing them in jails with hardened criminals.

While the goals of the bill may be laudatory, the transcendent issue of Federal juvenile justice needs a long hard look before moving into these areas.

I would, moreover, note that, if the subcommittee decides to move forward with this legislation, we believe that there are several common sense amendments which should be made to ensure the constitutionality of the bill and to protect law-abiding juveniles engaging in historically lawful activities such as hunting. Because of the incompleteness of our evaluation at this point, we have not submitted our recommendations along with this testimony. We look forward to the opportunity to work with Senator Kohl and his counsel in preparing language to address these minimal concerns and to resolve the juvenile justice issues I have raised.

Although this subcommittee is not addressing the lawful use of firearms by millions of young people, the value of firearms training as a recreational pursuit should not be overlooked. Hunting and marksmanship are American traditions that deserve to be recognized and perpetuated. Tens of millions of youths use firearms safely and responsibly. In fact, accident statistics for young people and firearms show that since 1968 the overall rate of fatal gun accidents has fallen by 50 percent. During that time span no other cause of accidental deaths of children have decreased as significantly as gun related accidents.

At the present time, firearms related deaths are the fourth leading cause of childhood deaths and account for 3 percent of all accidental deaths of children aged 0–14. This is hardly insignificant, but relative to the risk of drowning, fires, or auto accidents the risk is considerably less. For instance, a child is 13 times more likely to die in an auto accident, and more than four times as likely to die in a fire or be drowned.

It should be noted that the 50 percent accident rate decrease has been almost solely the product of private educational efforts by groups such as the NRA, the Boy Scouts, 4–H clubs and others, not as a result of government safety training programs.

The NRA is the recognized leader in providing safe firearms handling and instruction to both young and old alike. We believe wholeheartedly that firearms training is a lifesaver, and that it is a message that everyone should hear. Our "Eddie Eagle" firearms safety training program, based on a cartoon character of the same name, is geared toward small children. This program has been given out to literally millions of individuals, schools, and community organizations and is specifically designed to instill in young children one idea—that guns are dangerous and should be avoided.

Responsibility remains the key in preventing firearms related accidents. A firearm, loaded or otherwise, does not belong within a small child's sphere of influence. Irresponsible behavior by adults which allows children unsupervised access to firearms is no accident, nor can it be legislated away.

However, it is one thing to teach a child that a firearm should never be pointed in an unsafe direction, yet quite another to instill in that child the values which engender respect for human life. The criminal misuse of firearms is a manifestation of a deeper societal dysfunction which goes to less tractable problems that cannot be addressed by a message delivered by cartoon characters.

To name but one factor, the effects of exposure to violence, particularly as it relates to television exposure during the impressionable years, is finally beginning to gain recognition as a serious problem.

The NRA recently submitted testimony to Congress concerning our suggestions for developing standards to limit the impact of media influences on young people. Our recommendations are predicated on the assumption that those who control the media are responsible participants in this debate, and should be willing to take voluntary steps to limit the unintentional exposure of young minds to gratuitous violence.

We know from experience that teaching young people to respect firearms has to be balanced against numerous competing, and often conflicting, influences. For instance, we know that careless handling of a firearm by a popular movie or television program neutralizes the message we are trying to convey. However, what happens when the message is that violence is a means to an end? That is the problem this subcommittee is confronting.

What sadder commentary can there be on the failure to instill moral values and respect for the sanctity of human life in our youth when, over the last decade, violent crime by juveniles has more than doubled in the United States. In 1982 there was a murder committed by a juvenile approximately every 40 days. In 1992 a murder was committed by a juvenile every 12 days. In 1982 a juvenile committed a rape every 26 days; by 1992 it was every 8 days. The statistics on violent behavior may partially include every race and income group, but those who ignore the fact that there is an overwhelmingly disproportionate impact on poor, black and hispanic inner city youths are not focusing on where the problem lies.

The pathologies of the inner city cannot be remedied by creating stronger laws, unless of course we can pass laws that every family has two caring parents; unless we can pass laws that reverse the pernicious effects of drugs and widespread alcohol use in our inner cities; unless we can pass laws outlawing poverty; unless we can pass laws that give young people stability and the knowledge that they can reach their goals by hard work and perseverance—and that the goals are worth reaching.

Last year, Professors Joseph Sheley, Zina McGee and James Wright published "Gun-Related Violence in and Around Inner-City Schools"—the results of a cross-sectional survey of ten inner-city high schools in several states. Noting that "nearly everything that leads to gun-related violence among youths is already against the law," the researchers' prescription was neither more gun restrictions, metal detectors, nor shake-downs of students, but "a concerted effort to rebuild the social structure of inner cities."

Sheley, McGee and Wright found that violence in our schools does not spring from the classroom floor: "Rather, violence spills into the schools from the world outside. * * * Structurally, we are experiencing the development of an inner-city underclass unlike any in our past. In a shrinking industrial economy, we are witnessing the disintegration of the traditional family, increasing poverty and homelessness, diminishing health, and deteriorating educational institutions."

It is interesting to consider why, when we read the statistics on the number of assaults, rapes, robberies and murders that occur in our schools, we question how it is that our children feel obligated to provide for their own protection. I ask you, would any member of this committee feel safe under similar circumstance? It appears to be no less true that one of the primary reasons why many young people are bringing guns to school is because they believe they need to do so. Until we can reverse this belief in fact, it is doubtful that many students are going to accept it in theory. To the extent that this can be accomplished by limiting the factors that allow youthful criminals to acquire the means to commit these acts, we support such measures.

The unfortunate conclusion to my testimony is that there are no easy solutions to this problem, only hard realities. The hard reality is that we have a long and a short term problem. The long-term problem is that we have raised a generation of which far too many of its members are loathe to recognize any moral authority, or community boundary. Until we are willing and able to address the underlying failings that have led us to this juncture, this problem is only going to worsen. The short term problem is that we have far too many children who fit the chronological definition, but are adults by behavior.

In this vein, youth violence is no more a product of lax, or a lack of, gun laws than is similar adult violence. No amount of regulation, up to and including a total ban on all firearms use by minors, will have any significant effect on the level of juvenile violent crime until we begin to get serious about enforcing existing laws and incarcerating law breakers.

The preservation of order in our society is directly related to a functioning, effective system of protection for the rights of Americans and prosecution of those who abuse those rights. Our democracy cannot survive without these protections. The fact that too much of the burden of our failure has come to rest squarely on the back of our young people, in many cases perpetrated by those who would otherwise be regarded as peers, makes it even more incumbent to begin immediately addressing both components. The NRA intends to do its part and we are willing to work with any Member of Congress to craft proposals which will help to achieve criminal justice reform.

Again, we thank the subcommittee for giving us the opportunity to present our views on such an important issue.

Senator KOHL. Thank you very much, Ms. Lamson. Do I understand that you do support the thrust of this legislation?

Ms. LAMSON. Yes, sir.

Senator KOHL. As I would understand the background of your organization, this is—and I am happy to say this—it seems to me that this is a movement in the direction of supporting a form of gun control legislation. I mean, do I miss the thrust of this? I am encouraged to hear you say you support the thrust of what we are trying to do, which is to have gun control legislation as it affects minors. Is this something a little different in terms of where you have been and where you are going?

Ms. LAMSON. As it relates to your draft legislation, it does address children and guns that is already addressed by Federal law in terms of the ability of children to purchase handguns and long guns. For us, if there are additional measures that keep guns from children that is already embraced in existing Federal law, we support it.

The reason we support the bill, as well, is because it does recognize that there is a lawful use of firearms by children in terms of hunting and target-shooting. But, no, I would not want you to think that as a result of support for this type of legislation that we would be moving in the direction of generally more gun control.

Senator KOHL. Thank you very much.

Senator Cohen?

Senator COHEN. Ms. Lamson, existing law clearly is not adequate. The law says you cannot sell a handgun or other weapon to a minor. That is illegal. It is not illegal for that minor to have possession of that weapon, so that is what this legislation is trying to deal with, the possession by the juvenile or youth offender. Existing law doesn't cover that. So you would agree that it is inadequate to that extent?

Ms. LAMSON. Yes, if, in fact, we are trying to buttress what the intent of the Federal laws are, recognizing that juveniles, by their age, are distinguished from adults in handling dangerous firearms.

Senator COHEN. Do you think we ought to hold parents either civilly or criminally responsible for the misuse of weapons in their home?

Ms. LAMSON. No.

Senator COHEN. You do not?

Ms. LAMSON. No. As I have said before, I think responsibility is the issue at hand in accident prevention as well as responsibility of parents to instill values. They are first sort of front line in raising children, but I really don't think you can legislate responsibility and punish irresponsibility.

I mean, my concern is what would you do if you had such a restriction with a parent because do they end up being removed from the home? Do all of a sudden the children get removed from the home? You know, I think there are bigger issues on what happens if a parent is held liable in terms of that existing family structure.

Senator COHEN. As I understand it, you indicated before that a weapon in a home, if there is inadequate training in dealing with that weapon, is not an accident at all. Didn't you use those words?

Ms. LAMSON. I am sorry. Would you——

Senator COHEN. I think you indicated that a weapon in the hands of someone who is not fully trained to use that properly is not an accident.

Ms. LAMSON. It is an accident, but it is——

Senator COHEN. I think you used the words, it was not an accident.

Ms. LAMSON. Well, I am saying that, you know, irresponsibility of adults is not an accident. One assumes that adults, you know, are, in fact, responsible human beings past a certain age. But, you know, I make it more as a philosophical statement, still understanding that responsibility if paramount.

Senator COHEN. You indicated that there are a number of educational programs sponsored by the NRA, the Boy Scouts, 4–H Clubs, and others. Most of those would be for rural areas or suburban areas. There aren't many 4–H Clubs, for example, in the inner cities and not many Boy Scout troops that I am aware of in the inner cities.

What kind of educational programs are directed toward the inner cities as far as training about the use and misuse of guns?

Ms. LAMSON. Well, I certainly think that NRA has and would continue to be more than willing to work within the school systems themselves in inner cities to bring educational programs like Eddie Eagle into the schools. That is the objective of the program to begin with.

I think if we had ability to work with the local police organizations who would have the kind of space available for safety training, we would be happy to do that, and I think there are other programs that can be worked on in the inner city related to safe firearms use or, in fact, recreational pursuits. I mean, you know, Olympic team members get their training at a young age, and somewhere up through the ranks they learn it at an early age and if NRA can help provide mentors and guidance with that, we would be happy to.

Senator COHEN. You mentioned to Senator Kohl that you wanted to work with the subcommittee to develop a law that was constitutional, right? You think this legislation is unconstitutional as currently drafted?

Ms. LAMSON. One of the concerns that we had in our preliminary review of the bill is that it doesn't state an interstate nexus to it, and you have a situation of possession with intrastate, and so we just would want to address what we need to do in terms of the Federal Government's role as the nexus in interstate commerce.

Senator COHEN. Do you have cases that contradict the cases that Senator Chafee was citing—the *Miller* case, starting back in the 1930's and that support the argument that the Federal Government, or the State governments for that matter, have no right to regulate in this field?

Ms. LAMSON. In terms of his discussion on the second amendment?

Senator COHEN. Yes.

Ms. LAMSON. Because I am not an expert in that area, I would like, if I could, to submit to the subcommittee a written answer on it because there has been a lot of scholarly work done and I would not want to purport to repeat that, but I would like to submit it.

Senator COHEN. Thank you. That is all I have.

Senator KOHL. Senator Moseley-Braun?

Senator MOSELEY-BRAUN. Thank you. Ms. Lamson, I am a little perplexed by part of the testimony. You testified that you wouldn't want to interfere with the lawful use of handguns by juveniles, and I can't think of an instance in which a child should ever have a handgun. I was confused as to what you meant by the lawful use of a handgun by a juvenile.

Ms. LAMSON. The issue at hand has been the lawful use of firearms under supervision, and there are certainly target ranges, and so forth, that allow juveniles, young teenagers who are juveniles within that age limitation who are quite capable of learning target shooting——

Senator MOSELEY-BRAUN. Well, that is exempted under the bill.

Ms. LAMSON. That is right, that is correct, and that is why we recognize there is a lawful use there. As I mentioned in the testimony, one other area we would like to discuss is the ability to have an exception for hunting because most States provide an age for hunting that is less than the Federal standard in terms of possession of guns.

Senator MOSELEY-BRAUN. Well, in terms of hunting specifically, I used to hunt with my daddy when we were growing up and he never used a handgun to hunt. Do people use handguns?

Ms. LAMSON. They do for varmint hunting, as an example, yes.

Senator MOSELEY-BRAUN. Wouldn't it be alright just to say, for hunting for juveniles, we would restrict that to long guns?

Ms. LAMSON. Well, the thing is what we are talking about is lawful use, and I think as long as there is an exception——

Senator MOSELEY-BRAUN. Well, we make the laws. That is why we are here.

Ms. LAMSON. That is right, that is correct, and our feeling is that as long as handguns are being used lawfully, you know, under supervision, that if the activity is otherwise lawful, then we would ask that that would be considered by the subcommittee. That was one of the issues we wanted to raise in terms of the draft legislation to be considered.

Senator MOSELEY-BRAUN. Again, I guess that is why I asked the question in terms of hunting specifically. Hunting with a long gun is one thing; hunting with a handgun, it seems to me, is quite another. I can't imagine a situation in which you would want to see a child with a handgun.

Ms. LAMSON. Well, I am not sure that a firearm or shotgun or handgun is any more or less a threat in terms of injury or death to the individual user or to anyone else if it is abused, and so I don't make the distinction.

Senator MOSELEY-BRAUN. But there is a distinction. You can't talk about the long guns and the rifles and the handguns in the same breath. They are different instrumentalities and they have different effects, and the problem that we have in the school rooms and schoolyards and in classrooms is not long guns. The problem there is a handgun-specific issue, and I thought that this legislation was about handguns and that we were talking about handguns, and I wouldn't want to get it confused.

I am not trying to be combative with you. I just don't want to dilute the focus of our inquiry by talking about long guns and things that people use to hunt with, as opposed to the handguns that are terrorizing our classrooms.

Ms. LAMSON. Well, I would say that we would like to look at this legislation not restricting uses that have been traditional in this country, you know, protected and covered by State law, as well as Federal law, and that is why we raised the subject of hunting. We can provide additional information to you on that as it relates to handguns. But, again, we have recommended under consideration because the draft legislation already speaks to or already has underscored that there is firearm use by juveniles that has been legal and that is legitimate.

Senator MOSELEY-BRAUN. Thank you.

Senator KOHL. Thank you.

Senator Biden, chairman of the Judiciary Committee.

Senator BIDEN. Thank you, Mr. Chairman. Thank you for your testimony today. I think that it is useful when we can unite in principle on a matter that affects the second amendment or is arguably impacted by the second amendment.

Notwithstanding some of the newsletters I read from various organizations, including yours, I happen to think that the ability of Americans to possess arms is a constitutional right. I do not consider myself someone who wishes to, nor have I voted to, quote, be a "gun controller," but I do think, once you cross a threshold in this country, which we have, on the ability of the state to determine what types of weapons can be owned, like we have done on every other constitutional amendment, we have begun to outline exceptions.

There are exceptions to freedom of speech—the old classic that you cannot yell "fire" in a crowded movie theater. "Fire" is speech. There are exceptions to the third amendment, the fourth amendment, the fifth amendment, the sixth amendment, and I think it is pretty clear from the case law and from constitutional law that there are exceptions.

I don't think the NRA argues that if you had enough money to buy an F–15, people should be able to go out and buy F–15s and park them on their private runways, loaded with full ordnance. We have prohibitions on people buying, as a practical matter, M–1 tanks. So once you cross the threshold that you can limit to some degree the type of weapon that can be owned and possessed by an individual, and that being permissible under the second amendment, then you get into, from your organization's perspective, a slippery slope; from the perspective of those of us who think there has to be some more rational approach to how we deal with the second amendment, a possibility of increasing the security of Americans without denying people their second amendment constitutional rights.

With that preface, let me ask you the following question. I know of few organizations that are able to keep contact with and impact on their constituency, and I don't say that critically. I say that in a flattering way. There are a lot of public service and/or lobbying organizations from left, right and center that have different degrees of impact on their core constituency. You have had a serious and positive impact on your core constituency.

My question is what is it that you as American citizens and as a leading organization in this country can do or do you think you should do to deal with that issue, the fact that 130—I won't bore you. I ask unanimous consent, Mr. Chairman, that my entire statement be placed in the record.

Senator **Kohl**. Without objection, it will be done.

[The prepared statement of Senator Biden follows:]

Prepared Statement of Senator Joseph R. Biden, Jr.

I am pleased that the subcommittee is convening this important hearing on the problem of gun violence among our nations children. This urgent problem threatens our children every day, and the congress must act stem the violence.

I would like to commend Senator Kohl for his intense interest in this issue and his efforts to find a solution.

I would also like to take this opportunity to welcome our distinguished witnesses and thank them for taking the time to come here today their insights with us. It is a pleasure to have them here.

America is suffering an unprecedented rise of murder and violence I have consistently pointed out that no state, city, town or neighborhood has been spared the epidemic of violence. And today we are seeing more signs of an ominous new trend of violence—the shocking rise of guns and weapons among our children and in our schools.

Last October, I chaired a hearing that examined the shocking increase of guns among our children. And with todays' hearing we continue to study this ominous trend and seek solutions.

As I pointed out at last Octobers' hearing, our nations schools have been particularly hard-hit by this violence and the extent to which are children are arming themselves can be seen in statistics available from the schools. In fact, at least 100,000 children are carrying guns to school everyday, and one in five kids have carried a deadly weapon to school in the last month.

At the October hearing, I released the results of a comprehensive fifty state survey done by the majority committee staff studying the rise of violence in our schools.

This study pinpointed several root causes of the shocking rise in gun violence among our children:

> First, *drugs* have fueled the fire by not only putting more guns on the streets, but putting more money in the hands of teen dealers to buy expensive, high-powered weapons.
>
> Second, *gangs* have not only armed their own members, but have also become the gun traffickers putting ever more guns on the streets and in the hands of children.
>
> The third contributing factor is what might be called a "*John Wayne Syndrome*" —in other words, the terrifying cycle that begins when children arm themselves to "protect" themselves from other children who are carrying guns.

Congress has enacted some measures to battle this problem. For example, in 1990 the gun-free schools act, introduced by Senator Kohl, "gun-free school zones", prohibiting the possession of a firearm a within 1,000 feet of a school. Still it is clear that we must do much more.

For example, in last years crime bill which I and many members of this committee fought so hard to pass, was the safe schools act of 1991. This comprehensive measure would have authorized $100,000,000 to fund anticrime and safety measures in schools.

And of particular importance, last years crime bill included the Brady bill. Passage of the Brady bill is an absolute national necessity to protect not only our children, but the whole citizenry from senseless handgun violence.

Am pleased that Juvenile Justice subcommittee has convened this hearing to consider Senator Kohl's proposal to prohibit the transfer or salem handgun or ammunition to a juvenile. This is an important issue and I look forward to hearing todays testimony and working with all involved. We must break this culture of violence that plagues—our children.

In short, the massive rise of guns and violence among our children must serve as a "wake-up" call for action. We cannot delay any longer. We must address this crisis of our children, to do everything we can to make sure that todays' gunshots are silenced tomorrow.

Senator BIDEN. The essence of the statement is we have held hearings in the full committee establishing that somewhere in excess, as I know you know, of 135,000 kids go to school every Monday morning packing a loaded gun. My wife is a school teacher in a very good public school. .22-caliber semi-automatic guns fall out of lockers when they are opened, bullet holes through classroom windows, and this is an affluent suburban neighborhood. So it is not just confined to inner-city, quote, "ghetto schools." This is across the board.

What are some of the things you can do as public citizens to impact upon children and guns beyond doing what you do well, teaching them how to safely discharge those weapons, teaching them how to care for those weapons, how to figuratively and literally closet those weapons? Beyond that, do you all see any opportunity to positively impact on this problem as an organization?

Ms. LAMSON. One area that I raised earlier in my remarks is that NRA has been working with a number of groups, including members of Congress, who are beginning to raise the consciousness factor of what television violence is doing to young children, and the wealth now of studies that have been conducted and completed to show what really is happening to young children who, from 14 months old forward—what kind of effect it is having on them as they grow older, not only, as I mentioned, in terms of seeing nothing on television that shows safe use and handling of firearms or firearms in terms of recreational pursuits, but simply against misuse in crimes for guns as a means to have power over someone else.

It does not show the effect on the victims, the victims' families, the scars that victims have for the rest of their lives. It doesn't necessarily really show punishment of the people that have perpetrated these crimes, and I truly believe that we are raising an entire generation of children who do not care what happens to other people, are completely desensitized to the effects of injury and death on others in their family, who have a heightened fear of this happening to themselves.

I suspect that is one of the reasons why we are finding children taking guns to school, even though that is already illegal. I mean, you can't make it much tougher. It is illegal. But something is causing children to bring guns to school to, in essence, perpetrate a crime, and another set of kids going to school to protect themselves. I think that in our role, as you mentioned, in terms of education and safety training, we can do that.

Our members, as parents, can do a lot, as any parent could in instilling practices and respect for not only firearms, but authority. But it is still going to be incumbent upon those people who are around children to begin to guide them. As I said, one of our latest concerns has really been what is being shown on television.

Senator BIDEN. Well, I think that is very positive. I am happy to hear you say that. I would like to invite you, if you are willing—and I have found that whenever I have made inquiries to your national organization or indicated that it would be useful to speak that you have been receptive. I would like you to invite you to consider whether or not your organization's disapprobation for dealers and manufacturers who don't pay as much attention, as some don't, by the way—I am not suggesting that all gun dealers or all manufacturers, or even most, are bad, any more than when I introduced the medical health fraud legislation did I think all doctors were engaged in fraud, or all lawyers, or whatever.

So, please don't do what occasionally I have found. Not that you have done it, but occasionally I have found when I pick up newsletters in my State and find because I strongly support the Brady bill that I want to confiscate hunting rifles—a little exaggeration of position. But at any rate, I don't want to go back and refight those battles, but figure out how to go from here.

I would like to explore with you all whether or not there are some very high-profile things that you can do to communicate to the core membership that you have. By that I mean the people who rely on you the most. The people who rely on you the most are the manufacturers and the gun dealers, not to suggest in any way that that vast membership that you have does not also rely on you.

You are a little bit like the Farm Bureau. Your insurance program helps a lot for membership. There are a lot of reasons why people belong to the NRA. You know, I mean there are a lot of good things, but the core membership in terms of the core of your support is a lot of the dealers, as well as the manufacturers.

Just as we are trying to bring, quite frankly, pressure, and you are a part of this now, on the entertainment industry, without interfering with their first amendment rights, to be more responsible, I think we should and can bring the same kind of pressure upon manufacturers and upon dealers and retail outlets without affecting their second amendment rights.

So I would like to explore some of those with you at a later date, if you are inclined to do so, if your organization is, and that is an open invitation to do that and I am anxious to do it if you want to, and I understand if you don't want to.

Ms. LAMSON. I think that we would be delighted to accept an invitation to discuss. I mean, if nothing else, I think discussion is a very good approach to either finding that which we can do together in common or see why there is difference or problems with it.

Senator BIDEN. I want to make it clear this has nothing to do with any reservation I have about this legislation, which I strongly support, but I think you could help change the atmosphere in a very positive way. I am not laying the responsibility on you, but I think you could be a major player, your organization, in helping change this atmosphere. Something has to be done.

I am being anecdotal, I acknowledge, but tens of thousands of teachers, I am sure, have experienced this. When a kid in tenth grade walks up to my wife and suggests, because he likes her, he wants her to buy a pearl-handled Derringer for her own safety—and my wife thought he was kidding, and 3 days later he is arrested because there is a kid walking across a foot bridge in Wilmington, Delaware, where another kid walks up, 13 years old, puts a gun in the back of his head and blows his brains out. It turns out one of the three people arrested was this young man. Whether he is guilty or not, I don't know—the same kid who comes up and says, I got one for my grandmom; I really like you, Ms. Biden, and I think you should have one.

You know, I mean something is really sick in this society. Something has to be done about handguns without repealing the second amendment, and I think there are a lot of things that can be done, but I would like to explore some of them with you.

Thank you very much.

Senator KOHL. Thank you very much, Senator Biden.

Did you want to make a comment?

Senator MOSELEY-BRAUN. Well, yes. You had mentioned in response to Senator Cohen that the NRA does education and safety training in conjunction with school systems and police departments, and I am wondering, do you have any such programs underway in Illinois, which is my State?

Ms. LAMSON. I would have to get back with you because that information I don't have right at hand. I would think so, but I would like to check first.

Senator MOSELEY-BRAUN. OK, but you will check and will advise me whether or not you have anything underway in Illinois, or any plan to undertake such a thing. Thank you.

Senator KOHL. Thank you very much, Senator Moseley-Braun, and thank you very much, Ms. Lamson. You have been very, very helpful and we are looking forward to working with you to complete the bill and get it passed. I am very encouraged by your support—tentative support, but I am very encouraged by it.

Ms. LAMSON. Thank you, Mr. Chairman.

Senator KOHL. Thank you.

Our next guest, of course, needs no introduction here. She is Sarah Brady, who, with her husband, Jim, is the chief architect of the Brady bill to require a waiting period and a background check before the purchase of a handgun, and a background check on all firearms purchases.

Today, Sarah Brady is here appearing in her capacity as Chair of Handgun Control and its affiliate, the Center to Prevent Handgun Violence. She is joined her today by Dennis Hennigan, the general counsel for the Center to Prevent Handgun Violence.

We are really pleased to have you here today. Sorry to keep you waiting, but we would like to take your testimony and ask you a couple of questions, Sarah.

STATEMENT OF SARAH BRADY, CHAIRPERSON, HANDGUN CONTROL, INC., AND THE CENTER TO PREVENT HANDGUN VIOLENCE; ACCOMPANIED BY DENNIS HENNIGAN, GENERAL COUNSEL, THE CENTER TO PREVENT HANDGUN VIOLENCE

Mrs. BRADY. Let me first of all thank you. It is a pleasure and honor to be here, and I would like to begin, Mr. Chairman, by commending you and the other members of this subcommittee for your interest in this subject.

As the Chair of Handgun Control, Inc., and the Center to Prevent Handgun Violence, I share your concern regarding the problem of children and gun violence. As you and some of the other witnesses earlier in the day have made clear, we are facing an unprecedented problem, an unprecedented level of juvenile violence in this country, and it is just the overall crime rate; it is the severity of the crimes that are being committed. Fights and simple assaults have given way to rapes, robberies, killings. Juvenile homicides, in particular, are on the rise. The rate of criminal homicide for 15 year olds increased by 217 percent between 1985 and 1991.

As the parent of a 14-year-old myself, I am increasingly apprehensive about the safety of our children, and let me add that they are, also. I, as a parent, am not alone. I know we have looked at the Harris poll, but I would like to reiterate some of those figures just released last week.

We found that 77 percent of adults, including 58 percent of gun owners, believe that children are in danger by guns. One in five parents said they have or know someone who has a child who was wounded or killed by another child who had a gun.

Much of the increase in juvenile violence is being committed with guns. Between 1980 and 1990, there was a 79-percent increase in the number of juveniles committing murder with guns. In New York City, arrests on gun charges of children aged 7 to 15 rose by 75 percent between 1987 and 1990.

The Center to Prevent Handgun Violence is today releasing a report, and I think you already have a copy in the record, "Kids Carrying Guns." The Center's report contains a number of very disturbing findings about State and Federal regulation of handgun possession by juveniles. With your permission, Mr. Chairman, I would like to have the full text of that report submitted into the record.

Senator KOHL. Without objection, it will be done.

[The report referred to above follows; another report, "Children and Guns: Sensible Solutions," by David B. Kopel, is retained in the subcommittee files.]

Mrs. BRADY. But I want to summarize briefly some of the key findings of that report. Despite the rise in handgun violence among juveniles, handgun possession by minors in many areas of this country is not prohibited. While Federal law prohibits sale of handguns to minors under the age of 21, there is no Federal law banning their possession by minors. Although many States limit the carrying of concealed weapons, the majority of States fail to ban the open possession of handguns by all persons under 21, and only 13 States prohibit all minors from possession. Fifteen States prohibit the open possession of handguns by those 17 and below, while the remaining 22 States permit the open carrying of handguns by some or all persons under age 18.

Those, Mr. Chairman, are the key findings of the Center's report. Having made those observations, let me express today my utmost support for what you are attempting to do here. The legislation that you are proposing is a very positive step forward. Prohibiting children from possessing handguns, except while under the direct supervision of an adult, is a sensible, life-saving measure, and we stand firmly behind the intent and direction of your legislation.

It would not only save many innocent lives, it would also help to reduce the climate of fear in which many children and their parents now live. We recommend, however, that the age be raised from 18 to 21. An age requirement of 21 would be consistent with the Gun Control Act of 1968, which prohibits the sale or delivery of handguns by dealers to persons under 21 years of age.

Also, a lower age limit would dilute the effectiveness of the legislation. As the Center's report makes clear, while gun violence among young juveniles is serious and growing, it does not approach the level of violence among those older than 18, but less than 21 years of age.

In summary, we strongly support Federal legislation barring juveniles from possessing handguns without adult supervision, and we strongly recommend that the prohibition extend to all juveniles under the age of 21.

Let me conclude, Mr. Chairman, by again thanking you and the other members of this subcommittee for your interest in this subject. We look forward to working with you in developing legislation that will address the growing problem of children and guns.

[Mrs. Brady submitted the following:]

PREPARED STATEMENT OF SARAH BRADY

Mr. Chairman, let me begin today my commending you and the other members of the subcommittee for your interestin this subject. As the Chair of both Handgun Control, Inc.,and its affiliate organization, the Center to Prevent Handgun Violence, I share your concern regarding the problem of children and gun violence.

During the last decade, there was, as the FBI has described it, "an unprecedented level of juvenile violence," in this country. Even more disturbing than the rising incidence of crime is the intensity and character of the crimes being committed.Vandalism has given way to increased theft and larceny, while assaults have given way to rapes and killings.

The trend is clear. Both the perpetrators and the victims of violent crimes in this country are getting younger and younger. As the parent of a 14-year-old child, I am increasingly apprehensive about the safety of our children. And I am not alone. A Lou Harris Poll released last week found that 77 percent of adults—including 58 percent of gun owners—believe that children are endangered by guns; only 29 percent believe that most children are safe from violence in the schools. One in five parents said they have or know someone who has a child who was wounded or killed by another child who had a gun.

And crime statistics amplify the concerns expressed in public opinion polls. Consider these findings:

- *The overall rate of violent crime by juveniles is on the rise.* The violent crime arrest rate for juveniles aged 10–17 rose by 27 percent between 1980 and 1990.
- *Juvenile homicide, in particular, is on the rise.* According to a Northeastern University report, arrest rates for criminal homicide among 13–14 year old males increased by 140 percent between 1985 and 1991. Among 15 year old males the increase was 217 percent; among 16 year old males, 158 percent; for 17 year old males 121 percent, and for 18–20 year old males 131 percent.
- *More and more juvenile crime is being committed with guns.* Between 1980 and 1990 there was a 79-percent increase in the number of juveniles committing murder with guns. In New York City, arrests on gun charges of children ages 7 to 15 rose by 75 percent between 1987 and 1990.
- *Juveniles are the greatest victims of the rise in juvenile crime.* People between the ages of 16 and 24 are more likely to be victims of handgun crime than any other group. Firearms are now the second leading cause of death for youths aged 15–19. The rate of firearm homicide for that age group rose 141 percent between 1985 and 1990.

The Center to Prevent Handgun Violence is today releasing a report on "Kids Carrying Guns." The Center's report contains a number of very disturbing findings about state and Federal regulation of handgun possession by juveniles. With your permission, Mr. Chairman, I would like to have the full text of that report submitted into today's record.

But let me summarize what I think are some of the key findings of that report:

- *Despite the rise in handgun violence among juveniles, handgun possession by minors in many areas of this country is not prohibited.* While Federal law prohibits sale of handguns to minors under the age of 21, there is no Federal law banning their possession by minors.

- Although many states limit the carrying of concealed weapons, the *majority* of states fail to ban the open possession of handguns by all persons under 21.
- Only 13 states and the District of Columbia directly prohibit all minors under 21 from openly carrying handguns.
- 115 states prohibit the open possession of handguns by those 17 and below, but permit open carrying by 18 to 20 year olds even though the murder arrest rate for 18 and 19 year olds is higher than for any other age group.
- The remaining 22 states permit the open carrying of handguns by some or all persons under age 18.

Those Mr. Chairman are the key findings of the Center's report. Having made those observations, let me express today my utmost support for what you are attempting to do here. The legislation that you are introducing—the Juvenile Gun Violence Prevention Act of 1993—is a very positive step forward.

Prohibiting children from possessing handguns, except while under the direct supervision of an adult, is a sensible, life-saving measure and we stand firmly behind the intent and direction of your legislation. It would not only save many innocent lives, it would also help in some measure to reduce the climate of fear in which many children and their parents now live.

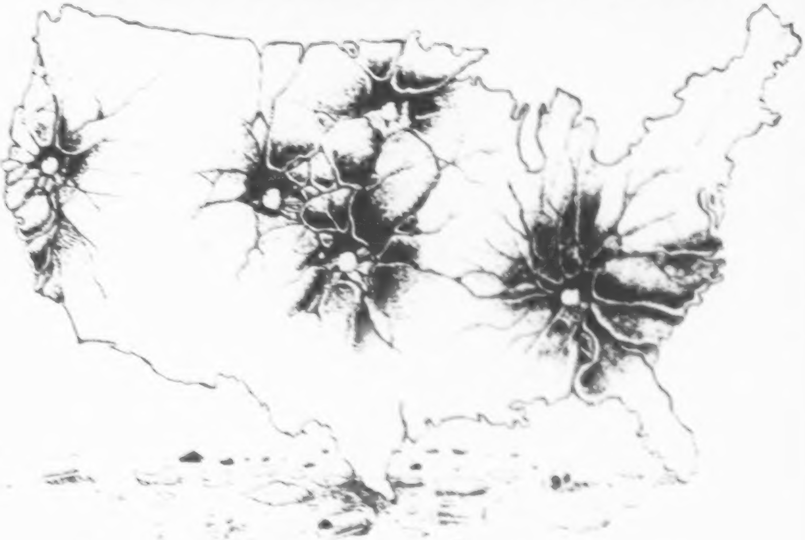
We recommend, however, that the age be raised from 18 to 21. An age requirement of 21 would be consistent with the Gun Control Act of 1968 which prohibits the sale or delivery of handguns by "any licensed importer, licensed manufacturer, licensed dealer, or licensed collector" to persons under 21 years of age. But it is not just a matter of legal consistency. The very same concerns that led Congress in 1968 to prohibit the sale of handguns to minors under the age of 21 apply with equal vigor to the possession of handguns.

Adoption of a lower qualifying age—18 or even younger—would dilute the effectiveness of this legislation. As the Center's report makes clear, while gun violence among young juveniles is serious and growing, it does not approach the level of violence among those older than 18 but less than 21 years of age. And that is especially true for the more violent crimes, including murder.

In summary, we strongly support Federal legislation barring juveniles from possessing handguns without adult supervision and we strongly recommend that the prohibition extend to all juveniles under the age of 21.

Let me conclude, Mr. Chairman, by again thanking you and the other members of this subcommittee for your interest in this subject. We look forward to working with you in developing legislation that will address the growing problem of children and gun violence.

KIDS CARRYING GUNS



Loopholes In State And Federal Firearms Laws

CENTER TO PREVENT HANDGUN VIOLENCE
1225 Eye Street, NW, Suite 1100
Washington, D.C. 20005
(202)289-7319
June, 1995

Founded in 1983, the **Center to Prevent Handgun Violence** is a national non-profit organization working to reduce firearms deaths and injuries through education, research and legal advocacy. The programs of the Center complement the legislative initiatives of its sister organization, Handgun Control, Inc. Sarah Brady chairs both organizations.

Through its Legal Action Project, the Center participates in litigation on behalf of victims of gun violence and advocates legal principles that will ultimately reduce the accessibility of firearms to those likely to misuse them -- convicted felons, minors, and other high-risk persons.

This report was prepared by the staff of the Legal Action Project under the supervision of Dennis Henigan, Project Director. Judith Bonderman, Staff Attorney, wrote the report with the invaluable research assistance of Eric Gorovitz, the Project's Legal Intern. Ken Williams designed and produced the final report. Special thanks go to Shawn Taylor for graphic design and to Staff Attorney Gail Robinson for editorial assistance. The cover illustration is by Jeff Williams in Springfield, Missouri.

1993 Center to Prevent Handgun Violence, Washington, D.C.

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I. INTRODUCTION

In the summer of 1992, Phoenix Mayor Paul Johnson was shocked to find that Arizona's gun control laws gave police no authority to stop teenagers who were openly carrying firearms. Gang members, some as young as 13 and 14, came to a neighborhood crime control meeting with guns strapped to their hips. And it was perfectly legal for them to do so. While Arizona law prohibited the sale or furnishing of firearms to minors without parental consent and barred all persons from carrying concealed weapons, it did not prohibit anyone, including juveniles, from possessing and/or carrying unconcealed firearms.

In response to this loophole in Arizona law, the cities of Phoenix, Glendale, and Apache Junction enacted legislation requiring minors to obtain written parental permission before they could carry firearms.[1] These laws were designed to permit preventive intervention against teenagers, including gang members, who were openly displaying firearms in these cities. The public safety rationale for these laws was obvious to the police and the communities involved, and public approval ratings were high.[2] In fact, over 75% of law enforcement officers polled thought the law should be *more* restrictive. [See Attachment A]

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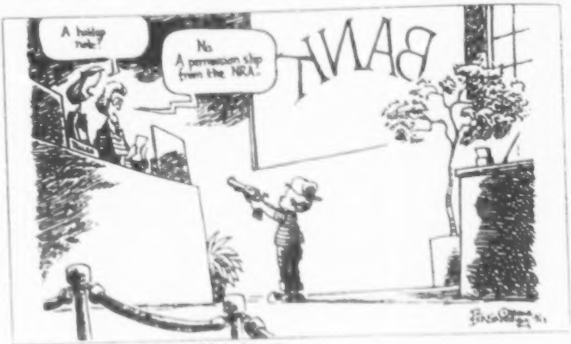
[1] "Firearm" is defined in the ordinances as any loaded or unloaded pistol, revolver, rifle, or shotgun. It does not include air rifles, air pistols, or BB guns.

[2] In a poll taken by *The Arizona Republic* in November 1992, 74% of the 608 adults responding favored the written parental consent law.

Support for these laws was not, however, universal. In spite of the fact that the ordinance was being effectively used by the police -- 124 firearms were seized from minors in Phoenix in the first 12 months after passage of the law -- the National Rifle Association financed a court challenge to the ordinances. In Saathoff v. City of Phoenix,[3] the named plaintiffs, some as young as 11 years old, alleged that the local ordinances were preempted by state law and that no municipality could pass gun control measures more strict than provided for in state law. The Center to Prevent Handgun Violence, joined by four Arizona police groups,[4] filed an amicus curiae brief in support of the cities, and in December 1992, the Maricopa County, Arizona Superior Court upheld the local ordinances.[5] [See Attachment B]


A holdup note?
No. A permission slip from the NRA.
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[3] Maricopa County, Arizona, Superior Court, CV 92-18805.

[4] The Arizona Association of Chiefs of Police, the Arizona State Lodge of the Fraternal Order of Police, the Associated Highway Patrolmen of Arizona, and the Phoenix Law Enforcement Association.

[5] The state legislature responded by amending the Arizona Code to include a provision prohibiting minors under 18 from carrying or possessing firearms except when under adult supervision. The new law, §13-3111, applies only to counties with more than 500,000 persons and permits other counties to adopt identical ordinances.

The need for the local legislation in Arizona was amply supported by crime statistics. In 1991, 2,093 teens under 18 were arrested for violent crime in Arizona, an 89% increase over 1989.[6] In 1991 in Phoenix alone, there were at least 1200 incidents of aggravated assault committed by armed juveniles.[7]

Unfortunately, Arizona's recent experience with juvenile violent crime is not unusual. While the Arizona case placed a spotlight on the problem of kids carrying guns, similar concerns also surfaced in other states.

- In Kansas, it is illegal to sell a handgun to a minor under 18, but neither possession nor open carrying by minors is prohibited. In March 1993, the Wichita City Council barred minors under 18 from possessing any firearms unless supervised by a parent or guardian. The Council acted in response to the perception that the city was becoming plagued by "gangs and drugs and guns and poverty and a society that's coming apart," and to the failure of state law to provide adequate protection from these problems.[8] [See Attachment C]
- Colorado state law regulates neither the open carrying of firearms nor the possession of guns by minors. Parents of child murder victims and others concerned with teenage crime organized a group called "Parent's United -- No Children's Handguns" [PUNCH!]. The group, which now has over 1000 members,

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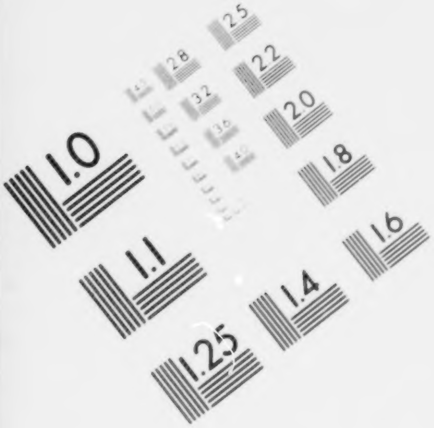
[6] In 1989, 1108 teens under 18 were arrested for violent crime in Arizona. U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States 1989 at 229, Table 63. Compare the 1991 Uniform Crime Reports at 270, Table 68.

[7] Memo of 4/30/92 from Phoenix Police Chief Dennis A. Garrett to Assistant City Manager Sheryl L. Sculley

[8] Suzanne Perez, "A matter of law, order, politics," *Wichita Eagle*, Mar. 14, 1993 at 1A.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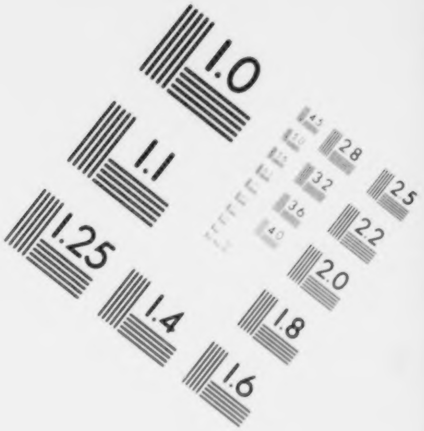
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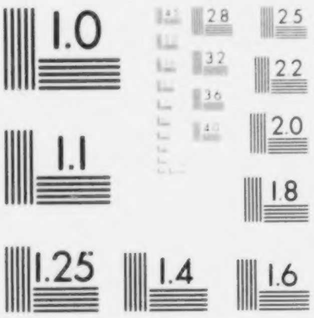
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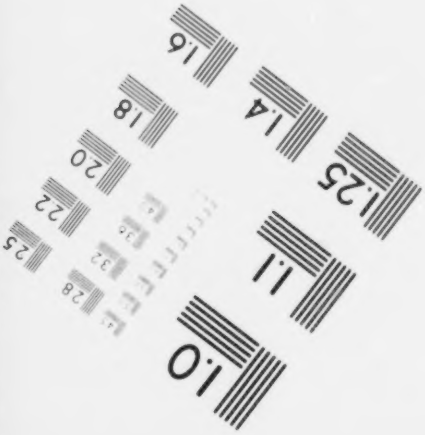
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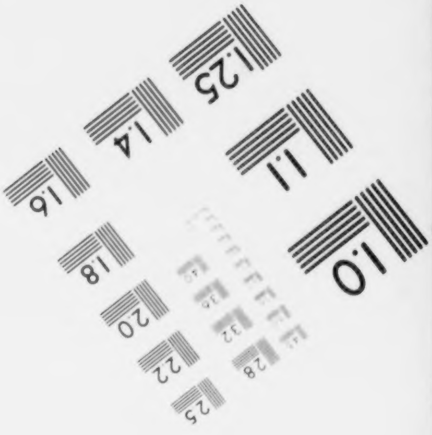
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seeks passage of a bill that would prohibit possession of firearms by minors. A bill was introduced in the state legislature but several major flaws in the bill caused it to die in the 1993 session. [See Attachment D]

II. SUMMARY OF FINDINGS

The Legal Action Project of the Center to Prevent Handgun Violence conducted a survey of state laws to determine if the states of Arizona, Kansas, and Colorado were unique in permitting open possession of guns by minors. This report, which includes the results of that survey, is not intended to answer every question about state gun laws, but only to identify states which inadequately regulate open carrying and possession of handguns by minors. Our study concentrated on handguns because of their high use in crime[9] and their popular appeal to juveniles.

Our findings can be summarized as follows:

* Although many states limit the carrying of *concealed* weapons, the majority of states fail to ban the *open* possession of handguns by all persons under 21.

* Only 13 states and the District of Columbia directly prohibit all minors under 21 from openly carrying handguns.

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[9] Of the 14,265 firearms murder victims in the United States in 1991, 11,411 died from handguns, while only 1854 were killed with shotguns or rifles. U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States 1991, Table 2.9, p. 17. Released on August 30, 1992, these Uniform Crime Reports are the most recent published data available.

- 15 states prohibit the open possession of handguns by those 17 and below, but permit open carrying by 18 to 20-year-olds even though the murder arrest rate for 18 and 19-year-olds is higher than for any other age group.
- The remaining 22 states permit the open carrying of handguns by some or all persons under 18.
- Moreover, there is no federal prohibition on open carrying or possession of handguns by minors.

The news media has already succeeded in raising public awareness about escalating juvenile violence. The purpose of this report is to educate the public about the failure of our lawmakers to address this crisis adequately. The model legislation included at the end of this report is designed to aid legislators in fashioning an appropriate response to the problem of "gun-toting" kids.

III. JUVENILE VIOLENCE ON THE RISE

During the 1980's, the nation faced "an unprecedented level of juvenile violence," according to the Federal Bureau of Investigation.[10] Minors across the country were not simply committing acts of delinquency, like breaking windows, or property crimes such as theft and larceny; they were robbing, raping, and killing.[11]

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[10] *Id.* at 279-89.

[11] The severity of the juvenile criminal activity led many prosecutors to seek transfer of cases from the state juvenile justice system to adult courtrooms. R. Howe, "Va. Panel Links Violent Crime, Rise in Juveniles Tried as Adults," *The Washington Post*, 11/10/92, E3.

Recent F.B.I. statistics reveal disturbing trends in the commission of violent crimes by juveniles ages 10-17.[12] The violent crime arrest rate for these minors in 1990 exceeded the 1980 rate by 27 percent.[13] In part, this trend resulted from a 79 percent increase in the number of juveniles ages 10-17 who committed murders with guns over the same period. In 1990, nearly 75% of these juvenile murder offenders used guns, primarily handguns,[14] for their crimes.[15] In addition, in 1990, juvenile violation of weapons laws surged to its highest level ever.[16]

Although the causes of the increase in juvenile violence are many and complex, "the biggest difference in today's atmosphere is that the no-problem availability of guns in every nook of the nation has turned record numbers of everyday encounters into deadly ones."[17] Disputes once settled with fists are now settled with guns. As the head of the Virginia State Task Force on Violent Juvenile Crime explained, "A lot of these kids go to bed at night listening to gunfire outside their windows, so the behavioral norms become skewed."[18]

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[12] Department of Justice, Federal Bureau of Investigation, Crime in the United States 1991 at 279.

[13] *Id.*

[14] The great majority of firearms used in crime are handguns. For example, 80% of the guns used in murders committed in 1991 were handguns. *Id.* at 17, Table 2.9.

[15] *Id.* at 279.

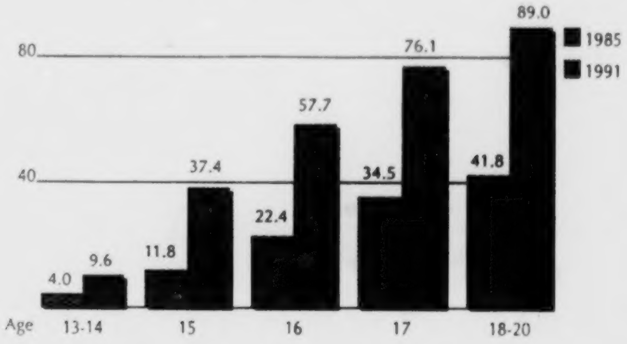
[16] *Id.* at 283.

[17] Witkin, et al. "Kids who Kill," *U.S. News and World Report*, Vol. 110, No. 13, 4/8/91; see also Henkoff, "Children in Crisis," *Fortune*, 8/10/92, pp. 62-69.

[18] Jerrauld C. Jones, Democratic state legislator from Norfolk, Va. and head of the state task force. Quoted in R. Howe, "Va. Panel Links Violent Crime, Rise in Juveniles Tried as Adults," *The Washington Post*, 11/10/92, E3.

Moreover, the juvenile offender of today is astonishingly young. According to *The New York Times*, arrests on gun charges of children ages 7 to 15 in New York City increased 75% between 1987 and 1990.[19] A Northeastern University report of nationwide statistics found that between 1985 and 1991, arrest rates for criminal homicide increased among 13 to 14-year-old males by 140 percent, among 15-year-old males by 217 percent, among 16-year-old males by 158 percent, among 17-year-old males by 121 percent, and among 18 to 20-year-olds by 113%.[20]

Arrest Rates for Criminal Homicides per 100,000 Males
1985 - 1991 Comparison



Source: *"Recent Trends in Violent Crime: A Closer Look", by Glenn L. Pierce and James Alan Fox Northeastern University: National Crime Analysis Program, October 1991*

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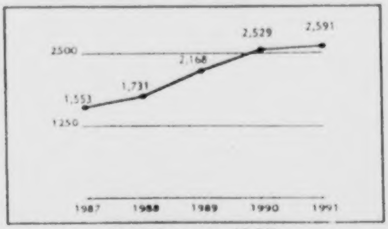
[19] "Mowing Down Our Children," *The New York Times*, Editorial Page, 11/4/92.

[20] Pierce and Fox, "Recent Trends in Violent Crime: A Closer Look," National Crime Analysis Program, Northeastern University, October 1992, Table 3.

Criminologists James Alan Fox and Glenn Pierce concluded that the "new youth generation has more dangerous drugs in their bodies, more deadly weapons in their hands and are being socialized into a culture having a far more casual attitude towards violence."[21]

This increase in juvenile violence occurred during a time when the total number of persons ages 13 to 17 in the population was falling. While the national population of children ages 13 to 17 decreased 4.9% from 1987 to 1991, the number of children in that age group arrested for murder and nonnegligent manslaughter increased nationally by almost 67%.

Arrests for Murder and Nonnegligent Manslaughter, Ages 13 -17
1987 - 1991



Source: FBI Uniform Crime Reports, U.S. Census Bureau

Arrest Increase: 66.8%
Population Decrease: 4.9%

Although the sensational increase in violence among younger children makes the news almost daily, **18 to 20-year-olds are still the most serious problem**, as shown by the chart on page 7. The murder arrest rate for 18 and 19-year-olds is higher than for any other age group, according to age-specific arrest rates compiled by the U.S.

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[21] Press Release, Northeastern University (Oct. 14, 1992)

Department of Justice for 1990.[22] Moreover, looking at the distribution by age of the total arrests in 1991 for murder and nonnegligent homicide, the highest percentage of arrests for ages 21 and under are clustered in ages 18, 19, and 20.[23] Also, in 1991, the arrest rate for 18, 19, and 20-year-olds for weapons violations was 389.9 per 100,000, roughly 4 times the rate reported for all other age groups combined (94.2 per 100,000). [See Attachment E]

Juvenile violence affects an ever-increasing number of youngsters, not only as perpetrators, but also as victims and witnesses. People between the ages of 16 and 24 are more likely to be victims of handgun crime than any other age group.[24] Firearm homicides are the second leading cause of death (after traffic accidents) for all youngsters ages 15-19 and are the leading cause of death for black males ages 10-34.[25] Between 1985 and 1990, the firearm homicide death rate for 15 to 19-year-olds increased 141 percent.[26]

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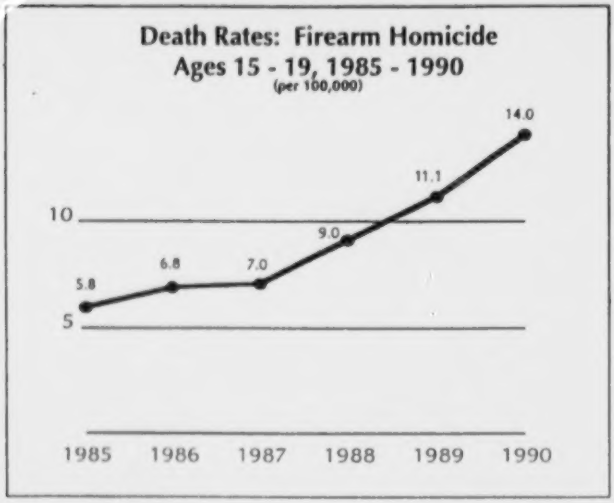
[22] "Age-Specific Arrest Rates and Race-Specific Arrests Rates for Selected Offenses 1965-1988," U.S. Department of Justice, Uniform Crime Reporting Program, April 1990.

[23] See U.S. Department of Justice, Federal Bureau of Investigation, Crime in the United States 1991, Table 38, p. 223.

[24] "Handgun Crime Victims," U.S. Department of Justice, Bureau of Justice Statistics, July 1990, p. 3.

[25] Lois Fingerhut, "Firearm Mortality Among Children, Youth, and Young Adults 1-34 Years of Age, Trends and Current Status: United States, 1985-90," Advance Data, National Center for Health Statistics, 3/23/93, p. 6.

[26] *Id.* at 9.



These statistics make clear the increasingly vital importance of limiting the ability of juveniles, including older teens and 20-year-olds, to carry or possess handguns.

IV. THE LOOPHOLE IN THE FEDERAL GUN CONTROL LAWS: POSSESSION BY MINORS IS NOT RESTRICTED.

In enacting the federal Gun Control Act of 1968, Congress recognized the problem of handgun sales to juveniles. Specifically, Congress found that:

> there is a causal relationship between the easy availability of firearms other than a rifle or shotgun and juvenile and youthful criminal behavior, and that such firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior...

(Public Law 90-351, Section 901 (a)(6)[emphasis added]). The statute, 18 U.S.C. §922(b)(1), prohibits the sale or delivery of handguns by "any licensed importer, licensed manufacturer, licensed dealer, or licensed collector" to persons under 21 years old. Rifles and shotguns, which are often used for hunting and shooting sports, can be legally sold to anyone over 18 years of age. The statute does not prohibit the sale or delivery of firearms to a minor by anyone who is not a federal firearms licensee.

In addition, 18 U.S.C. §922(g) makes it unlawful for certain classes of persons -- those with criminal felony backgrounds, drug dependencies, or a history of commitments to a mental institution -- "to possess in or affecting commerce, any firearm or ammunition" or "to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce." Minors are not one of the classes of persons prohibited from "possessing" or "receiving" firearms under Section 922(g). There is, therefore, no existing federal bar to the acquisition of a firearm by a minor from someone who is not a federally licensed firearms dealer so long as the transaction is in compliance with state and local law. Moreover, the federal act contains no restrictions on the possession of firearms by minors.

This loophole is at odds with the principal purpose of the Act: "to curb crime by keeping 'firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetency.'" Huddleston v. United States, 415 U.S. 814, 824 (1974)(emphasis added). As the statistics in Section I of this report indicate, the federal Gun Control Act passed 25 years ago, has not succeeded in keeping firearms out of the hands of minors, due to this significant loophole.

V. THE PATCHWORK OF STATE LAWS: THIRTY-SEVEN STATES ALLOW OPEN CARRYING OF HANDGUNS BY MINORS.

Although most states regulate the concealed carrying of a handgun, a shocking number of statutory schemes permit the open carrying of handguns by minors. This section presents the results of our survey of the current status of regulation in each state. While the complexity of handgun regulation makes categorization of state laws difficult, some generalizations are possible.

- Only thirteen (13) states and the District of Columbia bar open carrying of handguns by all persons under 21.[27]
- Fifteen (15) states limit possession or carrying of handguns by minors under 18, but allow open carrying by the dangerous 18 to 20-year-old group.
- Twenty-two (22) states permit the open carrying of handguns by some or all persons under 18.

Thus, the majority of state gun laws do not fill the loophole left by the federal law's limited prohibition on sales to minors by federally licensed dealers. Some state laws purport to limit handgun possession by minors indirectly by outlawing secondary sales, and transfers or gifts of handguns to minors. But restrictions on sale or transfer do not adequately limit the ability of minors to carry handguns openly. They impose sanctions only on the *transferor*, not against the minor who possesses the handgun. In some of these states, unless local governments take action, a police officer who sees a thirteen-year-old walking down a street with a handgun on his hip cannot stop the teenager or take the gun until after the carrier commits a crime.

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[27] 21 years is used as the cut-off mark because federal law already prohibits sales of handguns by federally licensed dealers to persons under 21.

Some state laws limit possession of handguns by minors under 18. While these laws might reflect a legislative determination that handgun possession by older minors is not a threat to public safety, national statistics showing a dramatic increase in the commission of gun-related crimes by older juveniles demonstrate that such complacency is seriously misplaced.[28]

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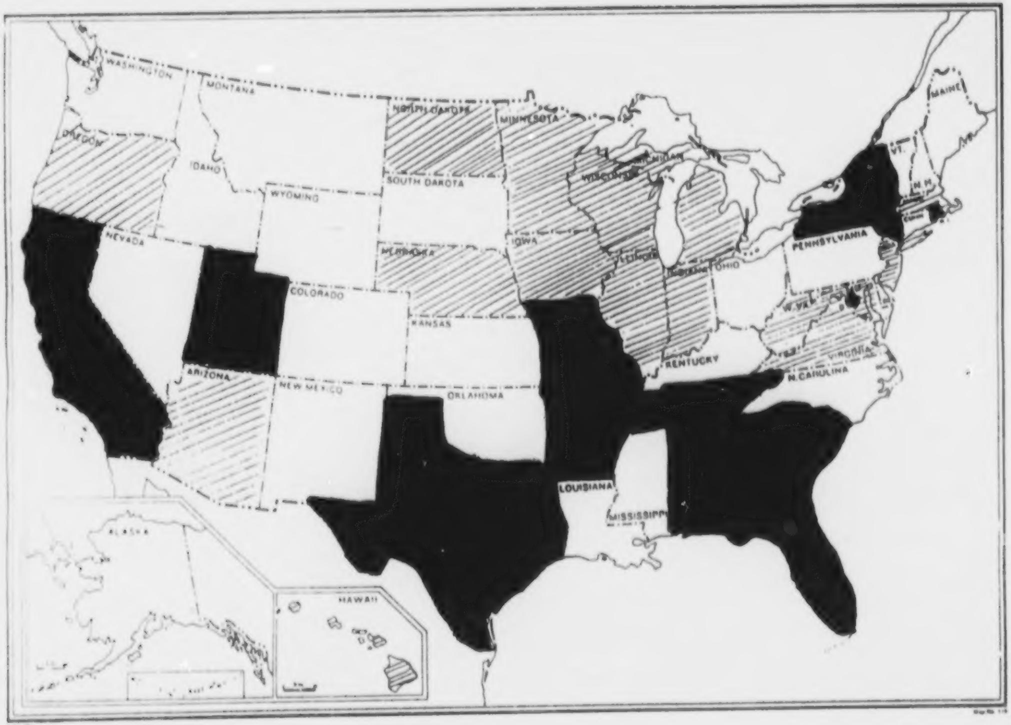
[28] For example, by restricting possession of firearms by minors under 18 only, the new Wichita, Kansas ordinance allows the most dangerous group to possess guns. The Kansas Bureau of Investigation crime statistics for 1991 show that the 18-21 year age group had the highest number of murder and nonnegligent manslaughter offenders (45) -- higher than the other age groups reported. (43 for the 22-30 age group and 26 for the 31-40 age group). Crime in Kansas, July 1992, p. 45.

THE PATCHWORK OF STATE LAWS


WASHINGTON
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NEVADA
NEBRASKA
IOWA
PENNSYLVANIA
ILLINOIS
INDIANA
OHIO
COLORADO
KANSAS
W.VA.
VIRGINIA
KENTUCKY
ARIZONA
NEW MEXICO
OKLAHOMA
N.CAROLINA
LOUISIANA
MISSISSIPPI
ALASKA
HAWAII

■ No open carrying by minors under 21

▨ No open carrying by minors under 18

☐ Open carrying permitted by some or all under 18

13 STATES AND D.C. BAR OPEN CARRYING OF HANDGUNS BY ALL MINORS UNDER 21; THESE STATES EITHER PROHIBIT OPEN CARRYING FOR ANY AGE OR LICENSE RESTRICTIVELY OR BAR POSSESSION OF HANDGUNS BY ALL MINORS UNDER 21

Alabama

No open carrying of a pistol for any age (Code of Ala. § 13A-11-52).[29]

Arkansas

Illegal for any age to carry a weapon readily available for use with a purpose to employ it against a person (Ark. Stat. Ann. §5-73-120).[30]

California

No open carrying of loaded firearm for any age (Cal. Penal Code §12031).[31]

District of Columbia

No possession without registration certificate (D.C. Code § 6-2311); no certificate may be issued to a minor under 21, except with parental assumption of liability for 18-21 year olds (D.C. Code § 6-2313(a)).

Florida

No open carrying for any age (Fla. Stat. § 790.053).[32]

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[29] "[N]o person shall carry a pistol about his person on premises not his own or under his control" (§ A-11-52); Alabama law (§13A-11-76) prohibits any person from delivering a pistol to a minor under the age of 18; no law on possession; carrying concealed is permitted with a license (§3A-11-73).

[30] Arkansas law prohibits possession of a handgun by minors under 18 (Ark Stat. Ann. § 5-73-119(a)(1)(A)). Police may disarm, without arresting, a minor in possession of a handgun (§5-73-110).

[31] California law prohibits the possession of a concealable firearm by a minor (Cal. Penal Code §12101).

[32] Person must be 21 to get a license to carry a concealed handgun (Fla. Stat. §790.06). Florida law also prohibits the transfer or furnishing of a pistol to a minor under 18 without parental permission (Fla. Stat. § 790.17).

Georgia

No carrying, open or concealed, without a license (O.C.G.A. § 16-11-128(a)); no license granted to anyone under 21 (O.C.G.A. § 16-11-129(b)(1)).[33]

Hawaii

No carrying, open or concealed, without license (Hi. Stat. § 134-6); license granted only where *urgent* need demonstrated, and then only to applicants over 20 (Hi. Stat. § 134-9(a)).[34]

Missouri

Illegal to buy, borrow or otherwise receive a concealable handgun without a permit (R.S. Mo. §571.080); no permit granted to anyone under 21 (R.S. Mo. §571.090).[35]

New York

Illegal to possess a loaded firearm outside of one's home or place of business (N.Y.C.L.S. Pen. §265.02).[36]

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[33] It is illegal to sell or furnish a pistol to a person under 21 (Ga. Code § 16-11-101)

[34] Although licenses in Hawaii may be granted to persons over 20, we have classified Hawaii as one of the few jurisdictions that bar open possession by all minors because of the strict requirements for showing need

[35] In Missouri, a minor in possession of a handgun would have committed the crime of illegal transfer unless a permit for the gun was on file with the sheriff.

[36] New York does not allow possession of firearm by anyone under 16 (N.Y.C.L.S. Pen. § 265.05), it is unlawful to sell a firearm to anyone under 19 who does not possess a license (N.Y.C.L.S. § 265.16)

Rhode Island

No carrying, open or concealed, without license (R.I. Gen. laws § 11-47-8); no license granted to anyone under 21 (R.I. Gen. Laws § 11-47-18).[37]

South Carolina

Persons under 21 years old may not possess or acquire a pistol except as a temporary loan while under the immediate supervision of a parent or adult instructor (S. Ca. §16-23-30).

Tennessee

Unlawful for person of any age to carry openly "with intent to go armed" (Tenn. Code Ann. 39-17-1307).[38]

Texas

Unlawful for person of any age to carry a handgun, openly or concealed, except in special circumstances (Tex. Pen. Code § 46.02).[39]

Utah

Unlawful for person of any age to carry a loaded firearm on a public street (Ut. Code Ann. § 76-10-505).[40]

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[37] Possession of firearms by minors under 15 prohibited except while engaged in firearms training course (R.I. §11-47-33); illegal to sell a pistol or revolver to anyone under 21 (R.I. §11-47-30, 11-47-37, 11-47-26).

[38] But note that it is lawful, in Tennessee, to carry openly an unloaded firearm with ammunition inaccessible or with a permit to carry issued by the police (39-17-1308). No age limit is specified although there are other stringent requirements for safety training and liability insurance. As a practical matter, teenagers carrying firearms would be stopped by the police for "carrying with the intent to go armed."

[39] It is, however, legal to carry a rifle or shotgun openly in Texas. It is illegal to transfer a handgun to a minor under 18, but there is no restriction on possession by minors.

[40] In Utah, it is illegal for a minor under the age of 18 to possess a dangerous weapon including a firearm, without parental permission (§76-10-509).

FIFTEEN (15) STATES EFFECTIVELY BAR OPEN CARRYING OF HANDGUNS BY ALL MINORS UNDER 18; THESE STATES EITHER BAR POSSESSION OF HANDGUNS BY MINORS OR IMPOSE RESTRICTIVE LICENSING REQUIREMENTS[41]

Arizona

Carrying or possession of firearms by minors under 18 prohibited except in certain supervised situations (A.R.S. § 13-3111); otherwise open carrying is permitted (A.R.S. § 13-3102(F)).[42]

Illinois

No possession of a concealable firearm by anyone under 18 (Ill. Crim. Code § 24-3.1).

Indiana

No carrying of a handgun without a license (Ind. Code Ann. § 35-47-2-1); no license issued to anyone under 18 (Ind. Code Ann. § 35-47-2-3).

Iowa

No open carrying within city limits without a permit (Ia. Code § 724.4); must be 18 to get a permit (§ 724.8(1)).[43]

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[41] These states do not have blanket prohibitions on open carrying by all persons.

[42] This new section of the Arizona code was signed into law in May 1993 and applies only to counties with populations of more than 500,000 persons. It was enacted in response to the lawsuit discussed in the Introduction to this report.

[43] The Iowa statute permits anyone to carry openly beyond city limits. Iowa law prohibits the sale or transfer of a handgun to anyone under 21 (Ia. Code §724.22(2)); the law also prohibits possession by anyone under 14 except while directly supervised by someone over 21 (Ia. Code § 724.22).

Maryland

No wearing, carrying, or transporting of handguns, concealed or open, without a permit (Md. Ann. Code art. 27 § 36B(b)); permits are not issued to anyone under 18 (Md. Ann. Code art. 27 § 36E(a)(1)).[44]

Massachusetts

Firearm ID card is needed to possess legally and a license is needed to carry outside one's residence or place of business (Mass. Ann. Laws Chap. 140, § 131); parental permission is required if one is between the ages of 15 and 18; no license is issued to anyone under 15 (§ 140-129B).[45]

Michigan

No purchasing, carrying or transporting of a pistol without a license (M. C. L. § 28.422 Sec. 2 (1)); licenses are not issued to anyone under 18 (M. C. L. § 28.422 Sec. 2 (3)(a)).

Minnesota

No possession of a pistol by anyone under 18 unless supervised by a parent or guardian (Minn. Stat. § 624.713); carrying of weapons without a permit is prohibited and permits are not issued to anyone under 18 (§624.714).

Nebraska

No possession of a handgun by anyone under 18 (Neb. § 28-1204).[46]

New Jersey

No one under 18 may possess a firearm unless supervised by a parent, or for military, hunting, or target shooting purposes (N.J. Stat. 2C:58-6.1(b)(1)).

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[44] In Maryland, it is unlawful to sell or transfer a handgun to anyone under 18 without parental permission (Md. Ann. Code, art. 27 §406).

[45] Massachusetts law prohibits sale to anyone under 18 (Mass. Ann. Laws 140-130).

[46] Certificate from police is needed to purchase or receive transfer of a handgun. No certificate is needed if the transfer is from a parent or other family member (Neb. §69-2403); one must be 21 years or older to get the certificate (Neb. § 69-2404).

North Dakota

No possession by anyone under 18 unless supervised by an adult (N.D. Stat. Ann. 62.1-02-01(4)).

Oregon

No possession by anyone under 18 except with parental consent (O.R.S. § 166.250).

Virginia

Unlawful for anyone under 18 to possess a handgun except for supervised target shooting (HB 1603 and SB 697 signed into law by Governor Wilder on March 23, 1993).

West Virginia

No possession or carrying by minors under 18 except on private property and with permission of the owner or lessee (W. Va. Code § 61-7-8).

Wisconsin

No possession by minors under 18 except during supervised target practice (Wi. Code Ann. § 941.22).[47]

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[47] Wisconsin law prohibits sale to minors under 18

TWENTY-TWO (22) STATES PERMIT OPEN CARRYING OF HANDGUNS BY SOME OR ALL PERSONS UNDER 18.

Alaska

No ban on open carrying; no possession of a firearm by minors under 16 without parental consent (Ak. Stat. 11.61.220 (a)(3)).

Colorado

No ban on open carrying or possession by minors.

Connecticut

Carrying of a pistol without a permit is prohibited; no age limit specified (Conn. Gen. Stat. 29-35);[48] possession of loaded firearms by minors under 16 is prohibited indirectly through gun storage provisions (§29-37c).

Delaware

No ban on open carrying; no transfer of a firearm to a minor under 16 (11 Del. C. § 1445(2)); parent cannot permit unsupervised possession of firearm by child under 16 (11 Del. C. § 1445(3)).

Idaho

No ban on open carrying or possession by minors.[49]

Kansas

No ban on open carrying or possession by minors.[50]

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[48] The Connecticut licensing statute (§29-28) limits access to licenses to "suitable persons," but leaves the term undefined, transfer of pistol or revolver to a minor under 18 is prohibited (Conn. Gen. Stat. 29-34)

[49] Idaho does not allow transfer of a handgun to minors under 16 without consent of a parent or guardian (Id. Code § 18-3302A).

[50] In Kansas, it is unlawful to sell a handgun to anyone under 18 (K.S.A. § 21-4203(a)).

Kentucky

No ban on open carrying or possession by minors.

Louisiana

No ban on open carrying or possession by minors.[51]

Maine

No ban on open carrying.[52]

Mississippi

Open carrying permitted (Miss. Code Ann. § 97-37-1); a father cannot permit a son under 16 to possess a handgun (Miss. Code Ann. § 97-37-15).

Montana

No ban on possession by minors; it is unlawful to permit anyone under 14 to carry or use a firearm in public (Mont. Code Ann. § 45-8-344).

Nevada

No ban on open carrying; no possession by anyone under 14 unless supervised by an adult (Nev. Rev. Stat. Ann. § 202.300).[53]

New Hampshire

It is unlawful to carry without a permit (R.S.A. § 159:4); a permit is issued only to a "suitable person" with "proper purpose" (R.S.A. § 159:6).[54]

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[51] In Louisiana, it is unlawful to sell any firearm to anyone under 18 (La. R. S. § 14:91).

[52] In Maine, a minor under 18 cannot get a permit to carry a concealed handgun (Me. Stat. § 17-A-23-554).

[53] In Nevada, it is unlawful to sell or barter a concealable firearm to anyone under 18 (Nev. Rev. Stat. Ann. § 202.310).

[54] The New Hampshire statute does not define either of these terms. Also, it is unlawful to transfer a handgun to a minor, unless the transferor is a parent or guardian (R.S.A. 159:12).

New Mexico

No ban on open carrying or possession by minors.[55]

North Carolina

No ban on open carrying; it is unlawful for a parent or guardian to permit a child under 12 to possess or use any gun (N.C. Gen. Stat. § 14-316).[56]

Ohio

No ban on open carrying or possession by minors.[57]

Oklahoma

Open carrying permitted for a variety of purposes (21 Okl. St. § 1289.6); no ban on possession by minors.[58]

Pennsylvania

No ban on open carrying or possession by minors.[59]

South Dakota

No ban on open carrying or possession by minors.[60]

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[55] In New Mexico, it is unlawful for anyone under 18 to shoot a firearm unless he has passed a hunter safety course (N.M. Stat. Ann. § 17-2-33(A)(3))

[56] In North Carolina, it is unlawful to sell or otherwise provide dangerous weapons to a minor (N C Gen. Stat. § 14-315)

[57] In Ohio, it is unlawful to sell a handgun to anyone under 21 (O R C. Ann. 2923.21(A)(2))

[58] In Oklahoma, sale to minors is prohibited (§21 1273)

[59] In Pennsylvania, it is unlawful to deliver firearms to anyone under 18 (18 Pa. C. S. §6110). In Philadelphia, it is unlawful to carry a firearm on the public streets or public property (§6108)

[60] In South Dakota, one must be 18 years old to get a permit to carry a concealed weapon (S Dakota §23-7-7 1)

Vermont

No ban on open carrying; unlawful for a child under 16 to possess a firearm without consent of parents (Vt. Crim. Code §4008).

Washington State

No ban on open carrying; unlawful for a minor under 14 to possess or use a firearm except under immediate adult supervision (R.C.W. §9.41.240).[61]

Wyoming

No ban on open carrying or possession by minors.

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[61] In Washington, it is unlawful to provide a handgun to a minor under 21 (R.C.W. § 9.41.080).

VI. PROPOSED MODEL FEDERAL OR STATE LEGISLATION

The model legislation proposed below would supplement existing federal and state legislation which regulates the sale of firearms by federally licensed dealers. The federal Gun Control Act of 1968, 18 U.S.C. §922(b)(1), already absolutely prohibits the sale or delivery of handguns (and handgun ammunition) by "any licensed importer, licensed manufacturer, licensed dealer, or licensed collector" to persons under 21 years old, and of other firearms (and ammunition) to persons under 18, but does not prohibit sales and transfers by nonlicensees. The model legislation below applies to all persons, not just federal firearms licensees, and addresses secondary sales and transfers of firearms and ammunition to minors in Section 1. Section 2 closes the loophole on the possession and use of firearms by minors.

MODEL LEGISLATION TO BAN THE UNSUPERVISED POSSESSION OF FIREARMS AND AMMUNITION BY MINORS

Section 1: Unlawful transfer of firearms and ammunition to minors:

> (a) Without the consent of the minor's parent or legal guardian, it shall be unlawful for any person to sell, give, lend or otherwise transfer any handgun or handgun ammunition to any minor under 21 years of age, or to sell, give, lend or otherwise transfer any shotgun or rifle or ammunition suitable only for a rifle or shotgun to any minor under 18 years of age.

Section 2: Unlawful possession of firearms and ammunition by minors:

> (a) Unless otherwise specifically provided for herein, it shall be unlawful for any minor under 21 years of age to possess or receive any handgun or handgun ammunition except while in the presence of and under the direct supervision of the minor's parent or legal guardian, or for any minor under 18 years of age to possess or receive any shotgun or rifle or ammunition suitable for a rifle or

shotgun except while in the presence of and under the direct supervision of the minor's parent or legal guardian.

(b) A minor not in the presence of the minor's parent or legal guardian may carry and use any lawfully acquired firearm and ammunition in the following circumstances:

(1) While engaged in a course of instruction in the proper use of a handgun or in a firearm hunting or safety education program provided that the minor is at all times under the direct supervision of a certified instructor who is twenty-one years of age or older; or

(2) While participating in or travelling to or from a lawful hunting or target shooting activity or firearm safety program with the prior permission of the minor's parent or legal guardian, provided that:

a. the minor is under the direct supervision of another adult who is not prohibited from possessing a firearm, and

b. the firearm possessed by the minor is stored unloaded during transportation in such a way as to prevent its accessibility

(c) A person eighteen, nineteen, or twenty years of age may possess a handgun and the ammunition for it while employed as a private security guard, when such duty requires the possession of such a weapon and the person has previously received instruction in the proper use of a handgun from a certified instructor who is twenty-one years of age or older.

(d) Any person may possess any firearm while on military duty or while employed by a public agency as a peace officer or correctional officer, as long as such possession is not in contravention of state law.

Section 3: Penalties

(a) Any person who violates Section 1 shall be fined not more than $5,000, imprisoned for not more than five years, or both.

(b) Any person who violates Section 2 shall be fined not more than $5,000, imprisoned for not more than five years, or both.

(c) Any person who has been convicted of any felony, or of any juvenile offense that would have been a felony if committed by an adult, and who is subsequently convicted of a violation of Section 2 shall be subject to imprisonment for a period not to exceed ten years.

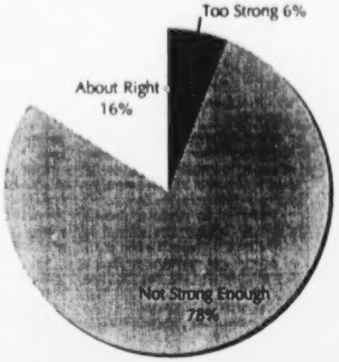
(d) Any firearm possessed by a minor in violation of Section 1 and/or Section 2 shall be subject to immediate seizure by any [federal, state or local] law enforcement officer.

(e) Any firearm seized pursuant to subsection (d) of this section shall remain in the custody of the trial court. Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated firearms, when no longer needed for evidentiary purposes, shall be destroyed by the law enforcement agency that seized them.

ATTACHMENT A

Law Enforcement Survey

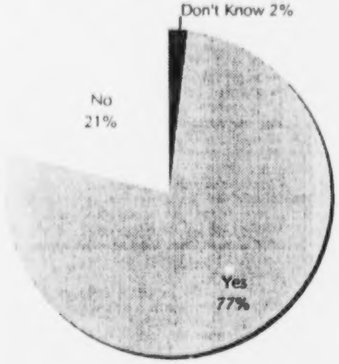
Do you think that a law which would restrict juveniles from carrying guns without written parental consent is (1) too much of a restriction on juveniles and guns, (2) about the right amount of restriction, or (3) not strong enough restriction?



Source: O'Neill Associates, 1992 (Based on responses given by 569 Phoenix area law enforcement officers)

Public Opinion Survey

Would you favor a law banning children under 18 years of age from carrying a gun?



Source: The Arizona Republic, 11/22/92, B1, B5 (Based on responses by 608 adults completed Nov. 5-8, 1992)

ATTACHMENT B

Tribune Newspapers, Friday, Decembe 4, 199 · B3

Gun-control group supporting cities' weapons ordinances

By Chris Coppola
Tribune writer

A national handgun safety group is supporting four Valley cities' attempts to curtail handgun use by minors as part of today's court hearing on a challenge to the laws.

Leaders of the Center to Prevent Handgun Violence also planned to hold a press conference with a group of Arizona law enforcement officials before the hearing in Maricopa County Superior Court, said Judy Bonderman, an attorney for the Washington-based center's Legal Action Project.

"This is the first time that we've dealt with a city ordinance that does what these do," Bonderman said. The center's chairwoman is Sarah Brady, whose husband, James Brady, was seriously wounded in an assassination attempt on former President Ronald Reagan. She has become a leading national spokeswoman on gun control.

The court challenge seeks an injunction against Phoenix, Apache Junction and Glendale ordinances by state law. The court challenge was filed on behalf of a group of minors seeking an injunction against the laws.

Todd Julian, a Phoenix lawyer representing the plaintiffs, said one argument will involve a state law that specifies the issue of firearms control is a statewide concern that is to be addressed through state law.

"We also say the local ordinances conflict with existing state law, because under existing state law, a juvenile is allowed to carry a firearm without restrictions, and the different cities are passing ordinances that restrict this right," he said.

Bonderman, however, said the city ordinances do not take away a minor's right to carry a gun as allowed by the state.

"These are larger communities, urban communities, that are seeing the problem of teen violence rather dramatically right now. Whether it's an appropriate law for the rest of Arizona is another question," she said.

"What they're doing is not in conflict with the state law. It serves the that require minors to acquire written parental permission before they can carry a firearm. Also being considered is a Tempe policy designating the popular area around Mill Avenue in downtown as a special events zone in which guns are prohibited on Friday and Saturday nights.

All of the laws are aimed at curtailing what city officials see as alarming increases in violence among juveniles, triggered in part by a rise in gang activity.

The center, in a friend of the court brief, cited statistics it says support enactment of such laws. In 1991, 30.2 percent of all people arrested for murder nationally were under 21, and half of those were under 18, according to FBI statistics.

In Arizona, 2,093 teenagers were arrested for violent crimes in 1991, an 89 percent increase over 1989.

The laws have come under attack by the National Rifle Association and other firearms advocates as being invalid because they are superceded public interests. It's not burdensome to the children who want to carry guns for certain reasons. They can get their parent's permission," she said.

Most law enforcement leaders in Arizona support the laws, said Assistant Tempe Police Chief Les Taylor, who also is executive director of the Arizona Association of Chiefs of Police.

"We're concerned that this issue be left to local communities to do," Taylor said.

Taylor would like to see the state Legislature enact a law to coincide with the local ordinances, or at least allow communities discretion to address local concerns.

"I think this is one of those issues where law enforcement in general is saying we need some help," he said.

Phoenix Mayor Paul Johnson has indicated he will seek legislative intervention to enact laws for the prosecution of parents who allow their children to carry guns later used in crimes.

City OKs gun-control law for minors

The ordinance, tentatively approved by the City Council on Tuesday, prohibits children from carrying firearms unless a parent or legal guardian is with them, or unless they are carrying guns to or from a hunting excursion.

By Suzanne Perez
The Wichita Eagle

As part of an effort to curb escalating violence among Wichita youth, the City Council tentatively approved an ordinance Tuesday that would strictly control minors with guns.

The ordinance, developed by District Attorney Nola Foulston and City Attorney Gary Rebenstorf and approved unanimously by the council, prohibits children from carrying firearms unless a parent or legal guardian is with them, or unless they are carrying guns to or from a hunting excursion. Final approval is expected next week.

Existing law prohibits children from buying or selling firearms, but it does not prohibit them from possessing unconcealed, unloaded weapons.

The ordinance is intended to close that loophole. It would allow children under 18 to possess guns during hunter-education or firearms-instruction classes, provided that they are supervised by a certified instructor. It also qualifies stepparents, grandparents and stepgrandparents as guardians.

People on both sides of the gun-control debate said they were satisfied — though not completely pleased — with the new law. The council, citing lengthy debate on a similar ordinance last week, passed the new ordinance without hearing public comment.

"I think we do have an ordinance here that will punish those who use firearms irresponsibly, but at the same time keeping the concept of the right of an individual to be in possession of a firearm intact," said council member Stan Reeser.

Several opponents, however, were dismayed that the council rejected two exceptions in the ordinance that would have allowed minors to transport guns to and from shooting galleries, pistol ranges and sport-shooting competitions. The new law also prohibits uncles, aunts or family friends from taking a minor hunting or target-shooting, even with permission from the child's parent.

John Pike, a gun enthusiast wh hunts with his 12-year-old son an teenage nephew, said the new ordi nance in some ways punishes law abiding citizens.

"A lot of people are trying ver hard to keep hunting alive and wel as a clean and respectable sport," said Pike, an attorney who helped draft the ordinance.

"We're trying to bring up kids t respect and responsibly use firearms," he said. "If they keep puttin up these roadblocks, it just gets harder and harder and harder."

The controversy surrounding kids and guns started in the council chambers weeks ago, when Foulston's office proposed a law that would have required minors with guns to carry a parental-consent form. The council rejected that proposal last week, opting for the stronger ordinance, suggested by council member Sheldon Kamen.

ATTACHMENT C

ATTACHMENT D

Parents United -- No Children's Handguns!
PUNCH!

Ron and Marva Hicks
Chairpersons

December 19, 1992

Dear Concerned Citizen,

Are you fed up with the daily carnage in this country caused by kids misusing guns? Can you believe that there are no state laws in Colorado that prohibit a person under eighteen years old from owning, possessing and/or carrying a firearm? Do you feel it is finally time for society to wake up and react to the epidemic of adolescents wrecking lives with handguns?

If you are interested in trying to change the view of society and the law with respect to teenagers and their use of guns, then you are hereby invited to the first formal meeting of Parents United -- No Children's Handguns! PUNCH! is an organization dedicated to educating and influencing the public and the legislature concerning the issues presented by teens with guns. You do not have to be a parent to be part of PUNCH! All you need is concern about the problem and a willingness to help.

The first meeting of PUNCH! will be held on the first floor at the Triangle Building at 2413 Washington Street in Denver on Wednesday, January 6, 1993 at 6:00 p.m. Please feel free to tell anybody who would like to help in our effort that they are welcome to attend this meeting.

Ron Hicks, Marva Hicks and I look forward to hopefully seeing you on January 6, 1993. We also wish you a happy and meaningful new year.

Sincerely,

Craig A. Silverman
Legal Adviser -- PUNCH!
640-3423

ATTACHMENT E

U.S. Department of Justice
Federal Bureau of Investigation

Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1965-1988

Uniform Crime Reporting Program
April, 1990

Introduction

The objective of this publication is to supplement Crime in the United States statistics by providing Uniform Crime Reporting (UCR) data users with arrest statistics related to the age and race of arrestees. Age-specific arrest rates, the average ages of arrestees, and race-specific arrest rates are tabulated for Crime Index, violent crime, property crime, each Crime Index offense, and selected Part II offenses (forgery and counterfeiting, fraud, embezzlement, stolen property, weapons violations, sex offenses, drug abuse violations, and gambling) for each of the 24 years during the period 1965-1988. Included are age breakdowns representing juvenile and adults.

An age-specific arrest rate refers to the number of arrests made per 100,000 inhabitants belonging to a prescribed age group. Technical Note A describes the computational procedures used to derive age-specific arrest rates. Technical Note B describes the methodology used to compute the average age of the arrestees. It is noted that the average age of the arrestees reflects non-criminal factors such as the age composition of the U.S. population. Therefore, any shift in the average age of the arrestees should not be immediately associated with a change in criminal pattern.

A race-specific arrest rate refers to the number of arrests made per 100,000 inhabitants belonging to a prescribed race. Race-specific data used in this publication have been updated, and therefore, may differ slightly from the national average as earlier released in Crime in the United States. The rates represent that portion of the population that contributed race statistics relating to the given offenses. The population coverage for race statistics is lower than that for age statistics due to the historical reporting patterns of UCR arrest data.

Murder, Age-Specific Arrest Rates by Sex, United States

		1990	
Age Group	Total	Male	Female
12 and under	0.1	0.1	0.0
13-14	4.9	8.3	0.8
15	16.8	31.0	1.3
16	30.4	56.5	2.8
17	39.1	72.4	3.6
18	47.7	88.2	5.1
19	39.2	71.7	5.2
20	33.9	61.8	4.8
21	31.9	58.6	4.1
22	29.5	52.1	6.0
23	26.0	46.1	5.1
24	23.7	41.3	5.7
25-29	18.0	31.4	4.5
30-34	12.5	21.2	3.9
35-39	9.3	15.7	3.0
40-44	6.7	11.9	1.7
45-49	5.1	9.0	1.5
50-54	3.4	6.0	0.9
55-59	2.4	4.3	0.6
60-64	1.8	3.3	0.5
65 and over	0.8	1.7	0.2

UNIFORM CRIME REPORTS

for the United States

1991

SUMMARY

CRIME INDEX

CRIMES CLEARED

PERSONS ARRESTED

JUVENILES AND VIOLENCE

LAW ENFORCEMENT PERSONNEL

APPENDICES

PRINTED ANNUALLY
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ADVISORY:
Committee on Uniform Crime Records
International Association of Chiefs of Police;
Committee on Uniform Crime Reporting
National Sheriffs' Association;
Uniform Crime Reporting Data Providers Advisory Policy Board

For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

MURDER AND NONNEGLIGENT MANSLAUGHTER

DEFINITION

Murder and nonnegligent manslaughter, as defined in the Uniform Crime Reporting Program, is the willful (nonnegligent) killing of one human being by another.

The classification of this offense, as for all other Crime Index offenses, is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body. Not included in the count for this offense classification are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder, which are scored as aggravated assaults.

TREND

Year	*Number of offenses*	*Rate per 100.000 inhabitants*
1990	*23.438*	*9.4*
1991	*24.703*	*9.8*
Percent change	*+5.4*	*−4.3*

Table 38.—Total Arrests, Distribution by Age, 1991

[10,743 agencies; 1991 estimated population 189,962,000]

Offense charged	Total all ages	Ages under 15	Ages under 18	Ages 18 and over	Age: Under 10	10-12	13-14	15	16	17	18	19	20	21
TOTAL	10,743,755	614,863	1,749,343	8,994,412	30,066	153,417	431,380	322,497	390,542	412,448	485,566	503,467	503,632	466,383
Percent distribution¹	100.0	5.7	16.3	83.7	.3	1.4	3.9	3.0	3.6	3.9	4.5	4.7	4.7	4.3
Murder and nonnegligent manslaughter	18,654	302	2,626	16,028	6	29	267	502	777	1,041	1,469	1,362	1,269	1,075
Forcible rape	30,330	1,742	4,766	25,564	91	401	1,250	869	988	1,167	1,367	1,270	1,292	1,290
Robbery	139,182	9,979	35,632	103,550	238	1,924	7,817	7,059	8,978	9,616	9,729	8,630	7,990	7,087
Aggravated assault	268,483	16,029	52,653	215,830	1,068	3,859	11,102	9,437	12,678	14,509	15,677	15,899	15,772	15,836
Burglary	328,790	46,320	109,965	218,825	5,395	11,959	28,966	20,332	22,474	22,519	23,020	19,183	15,914	13,453
Larceny-theft	1,213,303	168,007	369,227	844,076	11,663	50,505	105,839	64,931	78,255	66,016	62,959	54,101	47,163	41,795
Motor vehicle theft	161,628	20,066	70,659	90,969	233	2,433	17,400	16,082	18,166	15,613	12,390	9,518	7,605	6,431
Arson	14,916	4,756	6,940	7,976	1,068	1,571	2,117	597	686	593	553	469	439	372
Violent crime²	556,649	28,052	95,677	460,972	1,393	6,253	20,406	17,867	23,421	26,337	28,238	27,211	26,323	25,288
Percent distribution¹	100.0	5.0	17.2	82.8	.3	1.1	3.7	3.2	4.2	4.7	5.1	4.9	4.7	4.5
Property crime³	1,718,637	237,159	556,791	1,161,846	16,379	66,438	154,342	103,002	111,799	104,841	98,931	83,273	71,111	62,091
Percent distribution¹	100.0	13.8	32.4	67.6	1.0	3.9	9.0	6.0	6.5	6.1	5.7	4.8	4.1	3.6
Crime Index total⁴	2,275,286	265,211	652,468	1,622,818	17,772	72,691	174,748	120,869	135,220	131,178	127,169	110,484	97,434	87,379
Percent distribution¹	100.0	11.7	28.7	71.3	.8	3.2	7.7	5.3	5.9	5.8	5.6	4.9	4.3	3.8
Other assaults	789,146	30,026	122,626	666,520	3,250	13,853	12,923	21,960	24,301	26,137	27,546	29,432	31,590	32,768
Forgery and counterfeiting	77,066	1,221	6,866	70,200	65	314	842	1,018	1,891	2,736	3,751	4,167	4,488	4,033
Fraud	292,597	2,070	10,943	281,654	93	902	1,075	2,042	2,168	3,262	6,930	10,091	12,663	13,227
Embezzlement	10,602	138	784	9,818	13	67	58	88	211	327	530	686	587	586
Stolen property; buying, receiving, possessing	130,579	10,107	35,220	95,359	298	1,766	8,043	6,919	8,600	9,494	10,462	8,780	7,368	6,248
Vandalism	252,469	53,730	107,890	144,579	6,933	17,387	29,410	17,742	19,100	17,318	13,945	11,951	10,565	9,496
Weapons; carrying, possessing, etc.	178,955	10,693	37,575	141,380	400	2,183	8,110	7,084	9,211	10,610	12,076	11,740	9,994	9,531
Prostitution and commercialized vice	81,536	148	1,075	80,461	1	10	137	123	278	526	1,479	2,274	3,047	3,870
Sex offenses (except forcible rape and prostitution)	82,228	7,406	14,417	67,811	707	2,031	4,668	2,457	2,287	2,187	2,296	2,291	2,357	2,469
Drug abuse violations	781,250	8,582	60,428	720,822	48	900	7,634	10,133	17,166	24,547	35,665	38,454	40,061	38,613
Gambling	12,913	143	912	12,001	4	15	124	173	219	377	446	491	374	376
Offenses against family and children	72,527	996	2,966	69,561	155	202	639	619	636	691	951	1,087	2,301	2,733
Driving under the influence	1,288,876	403	13,437	1,275,439	143	44	215	563	3,290	9,175	23,617	33,415	42,522	56,891
Liquor laws	453,807	9,320	104,210	349,597	171	729	8,420	14,731	30,631	49,508	71,260	71,980	63,111	17,391
Drunkenness	657,119	1,996	16,372	640,747	102	167	1,727	2,613	4,095	7,670	16,809	19,549	21,716	25,988
Disorderly conduct	559,314	22,346	89,322	469,992	2,069	7,985	12,292	18,197	22,629	26,150	29,271	29,069	29,471	31,079
Vagrancy	31,262	196	2,257	29,005	22	99	75	446	622	993	1,106	970	853	849
All other offenses (except traffic)	2,460,902	74,706	247,853	2,213,049	3,590	18,826	52,290	42,026	58,049	73,072	100,902	117,632	122,560	122,180
Suspicion	14,707	1,253	3,150	11,557	112	260	881	622	673	602	634	602	608	564
Curfew and loitering law violations	75,125	21,859	75,125		498	3,468	17,893	16,937	19,930	16,399				
Runaways	155,471	60,296	155,471		1,736	10,978	47,582	34,713	39,736	21,686				

See footnotes at end of table.

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Weapon Law Violations Arrest Rates, United States, 1982 - 1991

Year	Age			
	Total (18-20)	18	19	20
1982	245.9	260.9	244.7	233.2
1983	222.8	238.8	220.6	210.1
1984	227.6	247.1	230.3	207.8
1985	243.0	262.7	246.4	222.3
1986	268.3	293.8	263.0	250.1
1987	273.3	293.6	274.9	252.0
1988	305.8	343.2	300.8	272.9
1989	336.7	378.2	340.2	291.2
1990	351.0	415.9	345.5	298.9
1991	389.9	474.5	388.4	324.8
Percent Change				
1991/1982	+58.6	+81.9	+58.7	+38.9
1991/1987	+42.7	+61.6	+41.3	+28.9

Arrest rate per 100,000 inhabitants

Source: FBI's Uniform Crime Reporting Program

Percent Change in Weapon Law Violations Arrest Rates, United States

Year	U. S. Total (All Ages)
1982	81.9
1987	87.6
1991	94.2
Percent Change	
1991/1982	+15.0
1991/1987	+1.1

Arrest rate per 100,000

Source: FBI Uniform Crime Reporting Program

Percent Change In the Number of Murder Offenders by Gun Usage, United States, 1990 Over 1980

Year	U. S. Total	Age			
		Total (18-20)	18	19	20
1980	15,370	1,336	388	460	488
1990	14,896	2,103	741	703	659
Percent Change					
1990/1980	-3.1	+57.4	+91.0	52.8	+35.0

Note: Based on actual data
Source: FBI's Uniform Crime Reporting Program

Senator KOHL. Well, thank you very much, Mrs. Brady. Mrs. Brady, 68 percent of the NRA members support the Brady bill. How do you square that with the NRA's position in its home office?

Mrs. BRADY. Well, I will tell you I am not at all surprised by that finding in the report. For the last 8 years, I have been all over this country speaking to groups everywhere I go. We have always known that 87 percent of gun owners—at least that is what the polls have told us—believe in the Brady bill, so that I am not at all surprised that this great number of NRA members also agree with the Brady bill.

I think it points out the fact that they are not adequately in touch with their own membership and maybe do not speak for what many of us think are the responsible gun owners of this country.

Senator KOHL. Well, do you think we are going to get the Brady bill passed this year? What is your opinion?

Mrs. BRADY. I hope so. I think you folks up there probably know the timing better than I do, but we are ready. The Nation has called for it. These polls—everything points out the fact that people are afraid. We are a violent nation anymore, and our children are afraid to go to school. They are afraid.

I was at a school this morning speaking out in Annandale to eighth-graders, and I was stunned by the fear that these children have, and we are talking about a suburban area. All children—my son is afraid. He is afraid I am going to be hurt. He is afraid he is going to be hurt. This is unconscionable, and as responsible adults we have to change this and we have to look into a comprehensive, reasonable, rational policy in this country that will help reduce the availability of these weapons to youngsters and to those others already prohibited from owning them.

Senator KOHL. Well, you know, our country, Mrs. Brady, doesn't have a better advocate, both in fact and in symbol, than you and your husband for reasonable and sane handgun control. So it is really an honor and a pleasure to be in your company this morning and I want to thank you for coming.

Mrs. BRADY. Thank you. I appreciate your kind words.

Senator KOHL. Senator Cohen?

Senator COHEN. No questions. Thank you for coming, Mrs. Brady, and I appreciate your testimony. It was very concise and compressed and to the point, and we appreciate your being here. Rather than have Senator Kohl ask you the question of when it is going to be passed, I think you are going to ask us that question.

Mrs. BRADY. That is correct.

Senator MOSELEY-BRAUN. I have nothing to say, except welcome to the committee and thank you again for your diligent and hard work in this important area.

Mrs. BRADY. Well, thank you, and I might add one other thing. I truly believe that solving this problem can only—that legislation, of course, is not the only answer, and my organization is working with the Hollywood industry and we have a school curriculum which is currently in use in many cities throughout the country, pre-kindergarten through 12th grade, which teaches conflict resolution, how to avoid peer pressure, how to avoid the fears.

I bring this up mainly because the Senator from Illinois mentioned that she wondered what was available in her State, and this will be going into the Chicago city schools this year. It is currently being used in New York City; L.A., in its first year; San Diego; Oakland, CA; Dade County, FL; New Jersey's middle schools. We are proud to have it going into Chicago because we do feel there is no one solution.

Senator KOHL. Thank you very much, Mrs. Brady. Thank you very much, ladies and gentlemen.

The hearing is closed.

[Whereupon, at 12:22 p.m., the subcommittee was adjourned.]

CHILDREN AND GUN VIOLENCE: A WISCONSIN PERSPECTIVE

FRIDAY, SEPTEMBER 13, 1993

U.S. SENATE,
SUBCOMMITTEE ON JUVENILE JUSTICE,
COMMITTEE ON THE JUDICIARY,
Milwaukee, WI.

The committee met, pursuant to notice, at 9 a.m., in the Children's Auditorium, Children's Hospital, Milwaukee, WI, Hon. Herbert Kohl, chairman of the subcommittee, presiding.

OPENING STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Good morning. This hearing will come to order. During the past few years, our country has had to cope with the effects of devastating natural disasters like Hurricanes Hugo and Andrew and, of course, most recently, the Great Flood of 1993. As a result of Nature's wrath, lives were lost, communities were devastated and, for many Americans, a way of life that endured for decades was permanently altered.

But those were natural disasters. Today we are going to talk about a manmade disaster: the deadly mix of kids and handguns. Anyone who reads, watches television or, most importantly, talks to their children, will know that our Nation is facing a disaster in this area. Indeed, on the same day last month, both Time and Newsweek ran cover stories on children and youth violence.

The effects of both natural and manmade disasters are the same, but the response is different. We have tolerated a level of destruction in our streets that we would never have accepted if it had come from the skies.

Just look at these charts behind me. In 1982, the total number of juvenile murder arrests in Wisconsin was just 12. However, by last year, we had an almost eight-fold increase. The number of juveniles arrested for murder in Wisconsin exploded to 94. Most of those murders were committed with handguns. The numbers for juvenile weapons arrests are equally disheartening. In 1982, 1,162 juveniles were arrested on weapons charges in Wisconsin. But by last year that number had more than doubled to 2,421.

Again, handguns were involved in most of these arrests. As you can see from the charts, national statistics show a similar increase over the past decade, but Wisconsin's increase is worse.

Other statistics are equally troubling. The National School Safety Center estimates that more than 100,000 students carry handguns to school every day in our country. They report that the leading cause of death for both black and white teenage boys in America is gunshot wounds. Kids from our central cities and our rural communities, kids who grow up in poverty and kids who grow up in middle class areas all face this problem to some considerable degree.

A world of threats and violence and a world of death. This is not the kind of world that our children deserve and this is not the kind of world that we ought to be giving them. We can change that world. Not easily, not quickly, not with a single, simple solution, but we can change it.

First we need new laws to restrict the flow of handguns in our communities and to our children. To that end I recently introduced a Youth Handgun Safety Act. The bill would make it illegal to sell or to give a handgun to a minor under the age of 18 and also for a minor to possess a handgun under most circumstances. It is supported by police organizations and gun control advocates, and even the NRA is supportive of this goal.

I also support the Brady Bill, because it is the best way to keep guns out of the hands of criminals who we know should not have them.

I fully expect both bills to become law sometime during this Congress. But I do not expect either bill to solve the problem by itself. How can they when so many of our kids come from broken homes, when so many are raised in front of TV sets which teach them that violence is a normal, natural, appropriate way to act? When guns and violence and crime are seen by some as the only way to get ahead. When some parents do not discharge their primary responsibility of supervising their kids.

So there are many causes for this problem and, indeed, we need many different initiatives to solve it. If anyone tells you that gun control alone will solve the problem, don't believe it. But if anyone tells you that restrictions on handguns won't help, don't believe that, either.

The witnesses we have today will discuss the diverse causes and consequences and responses to this problem. We have people from the law enforcement, medical and educational communities. We have people from the gun lobby and we have our friend Sarah Brady from Handgun Control. Each in their own way has something to contribute to our understanding of the problem and to our ability to solve the problem. And they will, hopefully, address a wide range of approaches: increased punishment for serious offenders; additional money for crime and drug prevention programs; more cops on the street; less violence on TV. The list goes on and on. And we have to go on, too, because these are our kids and our kids are, in a very real sense, our future. Unless we act now, the future we are creating is one that too many of our kids will not live to see, and it will also be a future that we will not want to live in.

Too often congressional hearings feature experts and academics but no one who has experienced the firsthand problem, and that's why I'm especially pleased today with our first two witnesses, David Ledger and Verlinda Brown.

David is a 19-year-old resident of Greendale, WI, who's going to tell us about his personal experience with youth-related handgun violence.

Verlinda is a resident of Milwaukee, who works for Milwaukee County investigating child abuse. She is going to tell us how she was abused by two children with a gun. Their stories are tragedies but, sadly, not atypical. We're very pleased to have you here today to speak to us, and I would like to ask that you limit your oral statements to 5 minutes in order to ensure time for questions and discussion. David, would you like to begin.

PANEL CONSISTING OF DAVID LEDGER, GREENDALE, WI AND VERLINDA BROWN, MILWAUKEE, WI

STATEMENT OF DAVID LEDGER

Mr. LEDGER. Good morning, Mr. Chairman. Hi, my name is David Ledger. I am 19 years old and a 1992 graduate of James Madison High School. I live at home and I'm saving money to go to college. I would like some day to major in sports medicine. My home is located in the city of Milwaukee near Menomonee Falls. The area is largely suburban. It is a racially mixed area and predominantly middle class. It is typical of many suburbs throughout the United States. The type of place most people would like to call home.

I am here today because on August 7, 1993, I was brutally attacked. Three of my friends and myself were at a McDonald's in Greenfield. Greenfield is a suburb located to the southwest of the city. Greenfield is much like the area I now live in. The McDonald's is called a Rock 'n Roll Cafe and is designed to be like a fifties-style drive-in restaurant.

I saw someone going into my friend's convertible. He had reached into the vehicle and his hands were on the dash. As I witnessed this, I went out to the parking lot to investigate what was taking place. I felt that the person might want to grab something out of the convertible and having someone around would persuade him not to.

It was a busy, well-lit parking lot on a Saturday night, and I did not expect any trouble. As I walked toward the car, I turned around and my friend Will was coming outside. The person was looking at the car and looking at us, and the next thing I knew there was about eight guys surrounding us. At this point in time I sensed that I was in trouble. Their hands formed fists and one individual had a beer can. One of the guys pulled a gun out of his waistband. He looked younger than I.

As he pulled the gun out, he said, "Who's gonna die tonight?" I was shocked. We thought we were gonna die and I thought my life was over. I was scared and afraid. I wondered why this was happening to me. I never hurt or threatened these people or did anything to warrant the use of a handgun. What was not a situation or problem whatsoever changed into a life and death confrontation. I did not expect the individuals to be carrying a gun. Looking back now, it seems sort of unreal. Something that I would expect to happen in downtown or on the television. Not something that I would expect in suburban Greenfield. The person pulled a gun out of his pants, cocked back the hammer. Just as he was doing this one of the guys took a swing at me, missed me and grazed my friend Will. I turned toward my friend Will, and I was also trying to keep my eyes on the guy with the gun which was still drawn and now cocked.

I felt someone running up from behind me. The attacker blindsided me and hit me in the face with brass knuckles. The attack left me with 17 stitches, eye injuries, a broken nose and facial scarring. I was never allowed to defend myself because this kid had a gun drawn and cocked.

Thank you for giving me the opportunity to speak here. If anyone has any questions, I will be happy to try and answer them.

Senator KOHL. Thank you, David.

Verlinda.

STATEMENT OF VERLINDA BROWN

Ms. BROWN. Good morning, Mr. Chairman. My name is Verlinda Brown. I work for Milwaukee County and investigate charges of child abuse. It is a pleasure to be here this morning to testify before this committee and share my experience with you.

On January 10, 1993, at approximately 11 p.m., I stopped at a Quick Mart on 23d and Fond du Lac. I was driving with my 7 year old nephew in a neighborhood not far from the one where I live. I parked in the driveway in front of the store. Ordinarily I would never stop in this neighborhood, since it is in a bad part of the city, but I needed some cigarettes and decided to try the Quick Mart.

As I was about to get out of my automobile, a young man, 12- or 13-years-old, grabbed the door and opened it half way. Stunned and still sitting in the car, I pushed the youth and he fell against the door. I was able to push him because he was so little. At that time he told his friend, a youth 14-years-old, to bring him the gun. The 14-year-old looked afraid and hesitated, but the 12-year-old was calling the shots and repeated that he wanted his friend's gun. The 14-year-old handed over an Uzi-type weapon and the 12-year-old pointed it at me. I couldn't believe that such a little kid was holding a gun on me. Yet, I was terrified that he was going to shoot, wondering what part of my body he was going to hit. I still don't know why he didn't shoot me. It was the worst thing that has ever happened to me.

Instantly, I got out of the car and begged the youths not to shoot, and at least allow me to get my nephew out of the back seat. I grabbed my nephew who hadn't reacted to the whole incident. It was happening so quickly.

Then the two kids sped off in my car. They didn't even rob me of my money. That evening the youths committed three other armed robberies and were caught the next morning. They robbed three elderly men. One in his seventies was so scared to testify at the trial that a statement had to be read in his behalf.

Around 4 a.m. the police caught up with the two kids at one of their homes on 19th and Center, which is just a few blocks away from the Quick Mart. The trunk lock on my car was ripped off and all of my stuff had been thrown away. I lost some cases for my job and an appointment book. The kids even bought an air freshener to act as if they had their own car. They probably didn't even have driver's licenses; in fact, they couldn't have, because you need to be 16 to obtain a driver's license in Wisconsin.

The 12- or 13-year-old was the leader, and he received the tougher sentence. He was sentenced to 6 months at Wales Correctional Facility in Wisconsin. He was released before the end of his term and sent to a group home where he presently resides. I attended the sentencing of the 14-year-old, who was placed on 1 year's probation and currently is under supervision in his home. The kids had stolen the Uzi-type weapon from the 14-year-old's mother. At the trial of the 14-year-old, the mother told the judge that she had the gun for protection and thought that it was well hidden. The judge told her to remove any guns from her house.

After the arrests, my car was returned. I had to go past the Mart every time I went to work and I felt like someone was looking at me. I also felt like the car was dirty. Every time I drove by I relived the worst day of my life.

I feel there will always be individuals who obtain guns illegally. However, by passing a law to limit the availability of guns to teenagers, we will hopefully be preventing some of the crimes that occur everyday with the use of handguns. This is of particular concern in Milwaukee due to the rapid increase of teenage violence and gun use. I work with a lot of kids in group homes and foster care. I see that some of them think it is cool to fight with weapons. Other kids say that things are so bad that they believe they have to be armed. That's not just unfortunate; it's unacceptable. We need to change their attitudes and their environments.

Again, Mr. Chairman, thank you for the opportunity to testify. I now would like to answer any questions you may have.

Senator KOHL. Thank you, Verlinda.

I would like to ask both of you: Do you think that this problem of kids and gun-related violence is a problem that is primarily part of our inner cities, or is something that applies, to a great degree, not only to our inner city areas but also to surrounding suburban areas? David, what do you think?

Mr. LEDGER. I think that it's all over. It's in the suburbs, it's everywhere. Kids get a hold of handguns and they think they're bad and it just spreads throughout everywhere. It started in the inner city and now it just spread all the way around the suburbs. It's a big problem. It's way out.

Senator KOHL. Verlinda, what do you think?

Ms. BROWN. I agree with David. It's getting worse in the inner city, but it also is spreading everywhere. I work with not just inner city youths, but youths in the suburbs, and they have the same problem as in the inner city.

Senator KOHL. Do either one of you think that handguns should be available or kids should be permitted to obtain and possess handguns?

Mr. LEDGER. I don't think so. I don't think kids should be allowed to have a handgun. I think they should be only able to operate a handgun with supervision at a gun range or something like that, but only if it's supervised by an adult.

Senator KOHL. Verlinda?

Ms. BROWN. I think kids have stopped fighting with their fists and the big thing now is weapons, and mainly guns, and I can't think of one reason why a teenager should be allowed to have a handgun or feel no need for them to use one.

Senator KOHL. Do you think we will ever get to any kind of a solution to this problem until we have restrictions, strong restrictions, that are enforced to see to it that kids don't have handguns? Will we ever get to a solution until we get those kinds of restrictions on the books and enforce those restrictions?

Mr. LEDGER. I think that one day there's going to be a solution and people are going to start obeying the rules and the laws and everything, and we just need tougher penalties on these kids.

Ms. BROWN. Right. I agree with David.

Senator KOHL. Thank you. Well, we appreciate your coming here. It is nice to have you here and, by coincidence, it's nice to see an old friend of mine, David's mother Pat. She and I worked together at Kohl's. That was many years ago.

Mr. LEDGER. My other daughter still does work at Kohl's.

Senator KOHL. Oh, really.

Mr. LEDGER. A family tradition.

Senator KOHL. All right. Good to see you here. Thank you for coming.

Mr. LEDGER. Thank you.

Senator KOHL. Our next panel is composed of experts in four different fields: law enforcement, education, health care, and the ministry.

Jim Doyle is the Attorney General of Wisconsin, the states chief law enforcement officer. Taking office in 1991, Jim has been a leader in the fight for handgun laws at both the state and the Federal levels.

Willie Jude is the principal at James Madison High School in Milwaukee, and he's a 22-year veteran of the Milwaukee Public School System. He comes to us as a parent, as an educator, and as someone who has spent a decade in charge of security at various high schools in Milwaukee.

Dr. Halim Hennes is a pediatric emergency room physician here at Children's Hospital, where he has practiced for 9 years, and is an associate professor of pediatrics of surgery at the Medical College of Wisconsin. He is joined here today by Jennie Resnick, a trauma nurse coordinator, who is sitting behind him in the front row.

Finally, Gerald Saffold is a minister for the Foundation of Prayer Church in Milwaukee. He is known for his work with at-risk kids, and his congregation is composed largely of young men and women under the age of 18.

We are delighted that all of you could be here today and we ask that each of you limit your oral statements to 5 minutes in order to ensure time for questions and discussion. Your written testimony in full will be included in the hearing record. So we would like to start with you, Mr. Attorney General Doyle.

PANEL CONSISTING OF JAMES DOYLE, ATTORNEY GENERAL OF THE STATE OF WISCONSIN; WILLIE JUDE, PRINCIPAL, MADISON HIGH SCHOOL, MILWAUKEE, WI; DR. HALIM HENNES, ASSOCIATE PROFESSOR OF PEDIATRICS, CHILDREN'S HOSPITAL, MILWAUKEE, WI; AND REVEREND GERALD SAFFOLD, FOUNDATION OF PRAYER CHURCH, MILWAUKEE, WI

STATEMENT OF JAMES DOYLE

Mr. DOYLE. Well, thank you, Senator Kohl. I appreciate the opportunity to be with you today, and I want to thank you for bringing this hearing to Wisconsin. Your presence is helping us to focus on this very important issue, and I applaud your efforts to try to curb handgun violence on the Federal level.

All of us have a basic right to feel safe in our homes and on the streets of our cities and towns. Unfortunately, many people do not have that sense of security. The growth of handgun violence throughout our state has led to deaths, injury, and fear.

Our schools have been shaken by countless examples of handgun violence. Arguments that used to be settled with fistfights are now being fought out on our playgrounds with handguns.

There is little question that handguns are the most dangerous firearms in Wisconsin. Statistics show that nearly 70 percent of all firearm deaths in our state are from handguns, and last year 100 murders were committed with handguns in Wisconsin. We took a big step forward in our state 2 years ago when we passed a law requiring all who buy handguns from registered firearm dealers to clear a criminal background check. We have already stopped 495 handgun sales to convicted felons during the first 21 months our law has been on the books. Many said that people with criminal records would never attempt to buy a gun in a gun store. They have already been wrong 495 times.

The biggest challenge we face in Milwaukee and throughout our state is the danger posed by small, short-barreled handguns, those with a barrel length of less than 4 inches. Short-barreled handguns are three times more likely to be used in a crime than any other type of handgun. They are cheap, plentiful and easy to conceal. Unfortunately, they are also deadly. These guns have been removed from schools in the city of Milwaukee on a regular basis. Over half the handguns recovered by the Milwaukee police have a barrel length of 4 inches or less, and an epidemiological study by researchers from the University of Wisconsin and the Medical College of Wisconsin has found that short-barreled handguns are overwhelmingly the weapon of choice in Milwaukee homicides. So much time and so much energy has been spent on arguments between those who believe anyone should be allowed to have any kind of gun at any time, and those who want to ban handguns entirely.

I believe it is time that we focus properly this debate on the kind of weapon that is killing our children. This is a Raven. [Mr. Doyle exhibits a handgun.] This has been disabled, by the way, so don't worry. [General laughter.] This is a weapon that is causing so much violence. Next month, I want the Children and Violence debate in the Wisconsin legislature to focus on this kind of weapon. The Raven and several guns like it are made for as little as $13 and have a wholesale price of about $30 and can be sold for retail prices of under $60. With babysitting money children can buy these dangerous weapons. Such guns are not used by sportsmen. They are not desired by collectors. They are weapons that kill and injure innocent people, usually children, and they need to be regulated more effectively.

In 1968, following the assassinations of Martin Luther King and Robert Kennedy, Congress passed the Gun Control Act of 1968. That law tried to reduce the availability of the Saturday Night Specials which were largely coming into the United States from foreign manufacturers. Unfortunately, when Congress tried to reduce the supply of cheap, small-barreled handguns from foreign countries, it helped to create a new industry in America.

One family in California has built a cheap gun empire by making Ravens, Jennings and Davis short-barreled handguns. Some 400,000 of these guns are being made every year by these companies. Their guns have been identified by Federal authorities as three of the top six handguns used in crimes in the United States. The Raven and Raven-like guns do not have to comply with any Federal safety requirements. Many reasonable persons would say this type of gun should be banned entirely. Others would say we should not allow them to be manufactured. Yet, I have a more modest proposal. I want to regulate these weapons more effectively. My proposal requires a state license for gun dealers who wish to sell short-barreled handguns. All sales of short-barreled handguns, including private sales, would be processed through licensed dealers. All who buy such handguns would submit fingerprints and be covered by Wisconsin's waiting period and mandatory criminal background checks.

Earlier in this century, we recognized the inherent dangers posed by sawed-off shotguns. We have also acknowledged that access to machine guns must be restricted. My proposal follows the same logic. If law abiding citizens want short-barreled handguns, they can have them. However, we must make sure that people who buy them are legally qualified to possess them.

I am delighted that you have invited Sarah Brady to return to Wisconsin. Her efforts here 2 years ago helped us pass our criminal background check requirement. She has my sincere gratitude for her courageous leadership in controlling handguns. I sincerely hope that very soon the Brady Bill becomes Federal law. It has taken far too long to get such a reasonable measure through Congress. The Brady Bill as currently written would not extend Wisconsin's 48 hour waiting period, however, I strongly believe that our state should expand its waiting period to be consistent with the Federal standard when the Brady Bill is enacted.

The gun lobby always tries to frame the debate as an all or nothing proposition. They say that the Brady Bill won't eliminate handgun violence and they say that my bill won't prevent criminals from breaking the law. Yet, it is time we bring some common sense back into the handgun debate. No single law will eliminate the dangers that handguns pose for our children, and I firmly believe that we need strong penalties for those who commit crimes with guns. But these proposals are reasonable regulations that enjoy widespread public support. They can and will make a difference.

Again, thank you, Senator Kohl, for addressing this issue in Wisconsin. It is one of great concern in this state as it is across the country. We appreciate your efforts on a national level in bringing about the Brady Bill which everybody seems to think looks like it is soon to be enacted, and we particularly appreciate in Wisconsin your willingness to address this issue as it relates to the children in our state. Thank you.

Senator KOHL. Thank you very much, Mr. Doyle.

Mr. Jude.

STATEMENT OF WILLIE JUDE

Mr. JUDE. Mr. Chairman, I appreciate the invitation to testify on this what I would consider an important subject, kids and guns. I am Willie Jude, Jr. I have worked with the MPS system for 22 years, 11 years as an administrative security at various high school schools, and am currently in my third year as principal at James Madison High School, with a population of approximately 1,300 students.

I speak to you as a parent and as an administrator. Realizing that I share the concerns that Senator Kohl has, and the concerns of many parents, educators and administrators across this country of ours regarding the growing problem with kids and guns. For a decade, I have observed an alarming and growing trend among the juvenile criminally inclined. They have gotten bolder, colder, more aggressive, and some appear to have very little respect for life in general.

As a result of this negative attitude and behavior, many educators, administrators are finding it very difficult to educate their American kids. During the 1992–93 school year, we expelled 98 students from the Milwaukee Public School System. After reviewing the data from 1992–93, it revealed that 50 percent of those expulsions was gun-related, and of that number, students between the age of 13 and 16 accounted for more than 70 percent of those weapons. As an administrator in charge of security for 11 years, I could recite many, many incidents involving kids and guns and the tragic cause as a result of their action.

But for the next few minutes I want to focus in on why I feel and we feel that, as educators, that so many of our kids are carrying weapons, are bringing weapons to school. And the chief cause is, and this is number one, the chief cause is fear. The word fear. Students are intimidated, threatened, or even, many times, they are frightened by gang activities on and off the school premises. They feel they have to protect themselves because either the law is too slow, inaccurate, and many times they feel the judiciary system is far too soft on the criminal.

The other area we have to deal with is what I would call the adjudicated student, the fox in the hen house scenario. This is the student that has been convicted of a serious crime, sent to a state correctional institution, after they have served the time, they're released on Friday and, many times, they show up at school on Monday. And by law we have to accept them, unless we have an alternative program for them.

Case in point. In September, 1992, I approached a student using vulgar and profane language directed at a teacher. After removing the student from the scene, I asked the student if he attended Madison the previous year. The student stated: "I was locked up for shooting a man, and if you start messing with me, I'll go back again." He lasted for only 2 weeks. He was back in jail.

In October 1992, a young man that was released early from the correctional institution was involved in a shooting on 51st and Fond du Lac. After being in the school for only 1 month, he had recruited eight students that followed him that was also involved in the situation that, up until that time, did not have a juvenile record.

In February 1993, an adjudicated student wrote a letter to his friends in the correctional institution he had just been released from. In his letters to his comrades, he informed them that he had a golden opportunity to organize the gangs at Madison High School and control the school. We was able to prevent him from organizing the building, but less than 3 weeks later he was killed in the community near which he lived.

So we are wondering why are kids bringing more and more weapons to school. And if we analyzed the data, we'll find fear is a major cause. I believe that the legislation that Senator Kohl is introducing, the Youth Handgun Safety Act of 1993, is a positive step forward. I also recommend, however, that adjudicated students convicted of a serious crime be prohibited from attending a regular school setting. They should be provided with alternatives, whether it be more time in the correctional institution with greater restriction and greater controls, alternative schools, designed, structured programs to meet the needs of that adjudicated student. Boot camp, if necessary. Also more transitional schools to deal just with that criminal mind rather than contaminating the regular kids at the regular high schools.

In summary, I strongly support the Federal legislation barring youth from possessing handguns without adult supervision. I also strongly recommended an adjudicated kid, in other words, those kids convicted of a serious crime, be prohibited from attending a regular school setting.

As Senator Kohl probably knows very well, that one bad apple can spoil a bushel of good ones. And why do we continue to contaminate our kids with these type of students that are adjudicated? This is the reason why I support the bill of Senator Kohl, and I also support the Brady Bill because I believe it's a step also in the right direction.

Let me conclude, Mr. Chairman, by again, thanking you for focusing on the subject kids and guns. The schools across America are not islands but an integral part of the great society, and whatever happens to the educational institution in this country will affect all America. Once again, thank you.

Senator KOHL. Thank you very much, Mr. Jude.

Dr. HENNES.

STATEMENT OF DR. HALIM HENNES

Dr. HENNES. Mr. Chairman, I'm a pediatric emergency medicine physician who works at Children's Hospital Emergency Department and Trauma Center. Our hospital is the only level one trauma center in Wisconsin, so all children with life-threatening illnesses or injuries would be transferred to our hospital for medical care.

I regret to say that as an emergency medicine physician, my colleagues and I are seeing too many kids who are injured with gunshot wounds. We see the tragic outcome of those injuries and the devastating effect it has on their families also.

Over the past 3 years we have noticed a significant increase in the number of gunshot wound injuries. However, during the same period of time, there has been no increase in motor vehicle-related accidents or other potential hazards that we have seen.

In 1989, we treated 44 children with gunshot wounds in our emergency department, of whom 34 required hospitalization and 2 died. In 1992, we've seen 200 children. Fifty-five of them required hospitalization. And this is an increase of 350 percent that we have seen over 3 years. This is really an epidemic and a disgrace.

If I may, I'll just leave you with two cases that we have seen recently. In August 1993, we treated a 13-year-old boy with a gunshot wound to the chest. He was an innocent bystander in a drive-by shooting. Fortunately, he survived. In our opinion, is this child a criminal? Is he a gang member? The answer, fortunately, is no to both of them. He was just a 13-year-old boy, standing on the front porch of his house when he was shot.

The second child was a 12-year-old boy who was found in an alley with a gunshot wound to the head. He was brain dead when he arrived to our emergency department. We were able to keep him alive for 3 hours until the police were able to identify him and find his parents. From what we were told by the police officers later on, that the child was at the friend's house playing with other kids. The friend's father had a loaded gun under the couch cushion in the living room. The boy was playing with the gun and it suddenly discharged, striking the victim in the head. Scared from what happened, the boys dragged his body into the alley and left him there and ran away.

Mr. Chairman, this boy should have never died. A senseless death was preventable, and the pain felt by his family and friends, especially the father who owned the gun, was agonizing. For a parent to watch their child die is a painful experience.

Fortunately, not all gunshot wounds are fatal. The majority of them, indeed, are not fatal, and for that we should be grateful. However, we cannot ignore the possibility of a permanent disability, a psychological or emotional trauma to the child and members of his family later on.

Our children are our future and the future of our country. Most of them are not gang members or criminals. All too often they are only the innocent bystander in a drive-by shooting or a loaded gun which is left within an easy reach by an irresponsible adult.

We should be able to protect our children. We should be able to provide them with a safe environment to live in and grow. Unfortunately, our children in our modern society promote violent behavior, and one look at TV programs or new movies can underscore that.

As a physician, I believe that firearm injuries in children are an epidemic. If this epidemic was a disease like AIDS, we would have seen the medical community, government agencies, the public and the media demanding an end to it. Guns are far worse than a disease. As physicians and scientists, we can come up with new antibiotics, we can come up with new vaccines, or new treatment for cancer, but we cannot do anything with the child with a gunshot wound to his head or a bullet in his brain.

I strongly support Senator Kohl's proposed bill to prohibit the possession of handguns or ammunition by a juvenile, and I think that this is an important step in the right direction to combat this epidemic. We have to change our way of thinking about guns and realize that guns are a real threat toward our children and the well-being of our society.

I thank you very much for the opportunity to speak before you and, once again, I strongly support your bill and I hope, for the records, that Dr. Steve Hargutt's statement will be also included in the record of this meeting.

Senator KOHL. It will be so done, and we thank you, Dr. Hennes, for your testimony.

Reverend SAFFOLD.

STATEMENT OF REV. GERALD SAFFOLD

Reverend SAFFOLD. My name is Gerald Saffold, and I'm pastor of the Foundation Prayer Church, as well as a director of a youth organization called Unity in the Community.

For the past 10 years I've watched a situation grow worse and worse. Even as Mr. Jude spoke, I agreed with him. About a decade, about 10 years ago, 1983, I had talked to pastors and said, if we don't do something about the young people in our city that were starting to gang up, and at that time they would just kind of fight one another with fists or other kinds of weapons, gang violence and those types of things, I talked to the pastors and said, if we don't do something we're going to have a situation like the Wild, Wild West. I remember specifically saying that. And now, right now, it has become just that bad. I've heard about numerous studies or reports supporting the fact that violent crimes among youths has escalated, not only in Milwaukee but all over the country. However, I don't need a report or a study to convince me that we have a grave problem. I've attended too many funerals of teenagers who have been cut down by an assassin's bullet who was maybe somewhere around their age. I've talked to too many funeral directors who have articulated the increasing numbers of youth passing through their doors who were victims of gruesome crimes with guns. At one funeral of a young man killed by gunshot wounds, during the services at that funeral home, the minister, the grieving family and friends had to jump to the floor, fearing for their lives as young people entered that funeral home with weapons, looking for another young man, chased him out and then shot him and killed him, after being at the funeral. I've seen too many parents crying over sons and daughters who were cut down in the prime of their life. Contrary to some other ministers and some other people who think that and believe that when a person dies it's just their time to go, I don't believe that. I believe that too many young people at the age of 16, 17, or at other ages, are in the wrong places at the wrong time with the wrong people doing the wrong things. I speak to more than 30,000 young people over the course of a year in motivational presentations at public schools and other places, and I stress to them that many of the things that they're involved in, many of them are suffering because of lifestyle decisions. I know that good things can happen—or bad things can happen to good people, but too many of our young people are doing the wrong things and they're having the wrong ideals placed in their minds.

One of the young people from my own congregation was shot in the face by another youth after a church service. As a matter of fact, I had him pray as we were leaving, and we prayed for protection against the forces of darkness that prevail in the community as they go home. After that service this young person and another mother and another youth were going to the local check cashing place, as a matter of fact, on Capitol Drive and 42d Street, which should be safe, to pick up some money that was wired to the mother. Only the mother went inside the store while the two young men about 15 years old remained in the car. Upon her returning from the store to the car she was followed by a youth, and at that time they did not know that that young man had a gun at her back. She didn't even know it. He was asking her about how much money did she have. She only had about $50 that was wired.

The young man in the car noticed the assailant, his weird behavior, and got out of the car to ask what the problem was. The assailant then removed the gun from the mother's back, shot the 15-year-old and ran away. The 15-year-old was immediately taken to the hospital. After examination it was discovered that the bullet somehow entered his jaw and went into his face somewhere and exited right under his temple close to his ear, and we don't know exactly how it happened, it did not touch any internal organ, but we know that it was a miracle. Our God is an awesome God.

We do not allow young people to drive cars because, even though they may have the physical physique, they may have the skill, driving is a system of judgments and maturity, and if they can't exercise judgment and maturity, they don't need to be in a car.

It is obvious to me that we have some problems with young people and guns. If we're going to do anything about it, we have to help those young people make decisions, and the proper decisions, because they have a problem with conflict resolution.

Let me just say this as I'm closing, because I know that some of you think that especially ministers can talk a long time.

[Laughter.]

Some of our young people told me that I should go see a movie called Menace II Society. And on Friday evening, I decided to take a trip over to the theater to watch the movie. First of all I was assaulted in my seat by the profanity used in this movie. Gross profanity. I mean all of us good old people shouldn't listen to that kind of language. Especially young people. And then the other thing that really knocked me out was the gross disregard for the life of other people. Here were young people with guns shooting people. And I began to watch the young people in the theater. These young people, even though this had a great message as far as young people dying because the young person who was the star of the show was killed and it really touched you, but I think the young people may have missed that because they were watching glamorous activity with guns, and I saw these young people rejoicing when a person was being shot by someone in that movie.

When a youth shoots another youth, two families are affected. Both families are victims. One young person may go to the hospital or is maimed for life or, at worst, he is killed. I have to deal with that family. The mother who sits there, and she's crying, laying upon the casket saying, my boy, my son, who never should have died, and sometimes I wonder, Mom, did you take the time to train that kid, to shape his ideas and to help him make the right decisions. There are no winners.

Another young person is in jail and his family is grieving. I'm telling you, until young people develop the proper methods for problem solving and conflict resolution, decisions have to be made for them. Until parents can make those decisions and help to preserve the lives of their children and teach them, decisions will have to be made.

So people who provide handguns must suffer the consequences for providing those handguns to young people, and I want you to know I have young people right now that I can talk to who could find places to get guns very easily. Very easily. I don't know if the laws will stop that, but we've got to deal with that fact. And it's going to take the legislation, families, the administrators in the schools, all of us working together to do it. And if we're not willing to do that, then the law itself won't do it. It's going to take people.

And that's what my job is. I want to work with those young people to change their minds. Thank very much, sir.

Senator KOHL. Thank you. [Applause.]

Thank you, Reverend SAFFOLD. An excellent testimony. I only suggest next time that you should speak with a little more conviction and fervor.

Reverend SAFFOLD. Yes, sir.

Senator KOHL. Mr. Attorney General, I would like you to comment on the suggestion made by many, or by some, that the problem of kids and guns is a problem that is centralized primarily in our inner cities and we need to legislate and work in that area and not have to worry, don't have to worry so much about our surrounding areas.

Mr. DOYLE. Well, I think that's a very dangerous line of thought. It is clear in Wisconsin that the problem of kids and guns extends beyond the city of Milwaukee. The city of Madison, where I grew up and have lived most of my life, has just, in recent years, experienced guns being removed from the schools with some regularity and shooting of young people and the kinds of things that it never had before. Cities across the state, Eau Claire, La Crosse, Wausau, to name three in particular, are very concerned about gang activity with young people, including access to weapons, and what is going on. And I really cite, I think, the cocaine example, I think, is the best refutation for that argument. Ten or twelve years ago people thought cocaine was an inner city problem, and they woke up 10 years later to find that it was in their communities all across the state.

One of the biggest problems, challenges I face as Attorney General is to represent the State of Wisconsin and to make sure and to try to impress upon people outside the cities of Madison and Milwaukee and in Beloit and some others, that this is a problem for the whole state, that we're in it together. What happens in Milwaukee is going to affect what happens in Wausau and Superior and La Crosse, just as what happens in those communities will affect Milwaukee. So we really have to address this as a state issue and, in your perspective, address it as a national issue, that things may start here in Milwaukee, in bigger cities, but they certainly end up affecting the rest of the state. That's happened in many other areas, it's beginning to happen and is happening with gun violence, it's happening with gang violence, and it's something we have to address on a much larger scale than just saying, well, this is one group of people and one area and one neighborhood and let's sort of write it off, which is a heartless way to look at the problem to begin with and also, I think, a very dangerous way to look at it for people who live in other communities around the state.

Senator KOHL. All right. I would like to discuss with all four of you Wisconsin's law, which is not too dissimilar from the law that I am proposing. Why hasn't Wisconsin's law worked? What do we need to do to see to it that Wisconsin's law can be made to work? Because we do have a law in this state, is that right, Mr. Attorney General, that is, for the most part, somewhat similar to the law that I'm proposing on a national level?

Mr. DOYLE. That's right. We have a law that is almost identical to your proposal on a national level.

Senator KOHL. So let's talk about it, gentlemen. Reverend Saffold, would you like to comment about it first, and then we'll go right down, Mr. Jude and Dr. Hennes. Because that is an argument that is made by people who are not supportive of this law. They say we have plenty of laws on the books, and in fact, in Wisconsin you have a law on the books almost exactly like the one that we are talking about, and here today we're talking about statistics in Wisconsin that are totally unacceptable, and so they will say you have a law. The problem is not the law. So we need to talk about that.

Reverend SAFFOLD. I really believe that it's going to take us working together, each one of us in the areas of our expertise. I've been touched by every testimony that I've heard, and I really believe that men such as Dr. Hennes and Mr. Doyle and even Mr. Jude need to educate our young people as to what is really happening. I believe—understand that I'm coming from the area where I work. Young people need to know what happens when they make the wrong decisions, and so I believe the educational aspect as to how lives are affected. Because there's this unrealistic thought that, well, it's just a movie. After it's over they're going to get up. But these young people don't get up. I don't think they realize what happens when you're shot. I've listened to the testimony of this lady, how much fear and terror was in her heart. And you know, it's really amazing that some of these very young people who use weapons, when a weapon is pointing at them, it's a totally different story. They're not as cool, they're not as bad. It has to be, I believe, an educational process, and as we work together, that can happen.

Senator KOHL. So you're saying it's not that we don't need the law, we need the law, but we have to do much more than have the law?

Reverend **SAFFOLD**. Most definitely we need the law. OK. I mean if there's no law, then we have lawlessness. So we certainly need the law, and I believe that you're headed generally in the right direction. So if we're educated to the law and if we're able to work, then, to change the hearts and the minds of people, then I believe that the law will be effective. The law itself won't be effective, but if we work and know the law and then follow behind it, I believe that we can change.

Senator **KOHL**. Mr. Jude.

Mr. **JUDE**. I agree. The law is definitely necessary. Even the law, the proposal you have here is also, as I stated earlier, a step in the right direction. But I also agree that laws themselves will not answer or not solve the problem.

One of the concerns I have with all of the laws is the perceived lack of enforcement and the perceived softness on the part of courts when we start dealing with juveniles. Even kids perceive it. A young man told me the other day—he was talking about a situation in the community. He indicated, well, I can't take a chance, because if I do, the law may catch him, but I'm dead, and all that's going to happen to him, he may go to Wales for a little while, and he's back out in 2 years or 3 years. And so the kids say, I've got to protect myself because the law isn't fast enough, because when I'm dead the law may get him, they may arrest him, they may even send him to jail, but he's there 2 or 3 years and then back out on the street. So self preservation comes in when you get into the enforcement of juvenile code. But I love this particular law because it will be consistent across the country, is that a Federal law, that a kid cannot go across the borders of Wisconsin into Illinois and buy a cheap gun and come back. That's why I like the law because it's consistent across this entire country that we are all so concerned about our juveniles and that they shouldn't have access to guns until the appropriate time, age and so on. And so I believe the law is necessary but I feel there is a lot of work to be done in the department of education, community, with all agencies involved with this problem, because as I stated before, the schools are not islands, we are all inter-connected. We have to all get on board if we want to really solve this problem.

Senator **KOHL**. Dr. Hennes.

Dr. **HENNES**. Senator, I finished medical school about 20 years ago, and I don't think I will ever get used to the idea of having someone die on me. And this is how I look at it. The issue is handguns and what handguns are doing to people and to our society. Even if the law in Wisconsin is presently available, I don't think that this is enough and I don't think that Federal law alone is enough. I think that we have to put our hands together as a society and try and come up with solutions for the problem.

What do we need? We need money, we need resources, we need education, and we need to sit together and say, are handguns really useful. Do they really protect people? I don't think that there are any statistics that will tell me that handguns for protection at home actually does anything as compared to handguns with criminals on the street. All that comes at the hand of a child who just find a gun at home. And this is what amounts to our losses as happening, it's just those freak accidents that happen with kids that are, as everybody else on the panel said, in the wrong place at the wrong time.

We can't look at it only from the perspective of kids die and kids get hurt and families get to suffer and people go to prison. We have to look at it also from the financial point of view. We are all complaining about the cost of the health care system in this country, and for every gunshot wound, nonfatal, the average is $6,000 in health care costs. Can we afford it, with the numbers going up? I don't think so.

Senator KOHL. Thank you. Mr. Attorney General, we have a law here in the State of Wisconsin. What are the problems?

Mr. DOYLE. Well, a significant problem is, I think, an obvious one. A crime is committed, a juvenile has one of these little guns, so you know a 16-year-old has the gun which is in violation of the law. How in the world do you ever determine who it is who sold that person the gun? How do you ever enforce that? You know the person has the gun, it's illegal for the young person to have the gun, but there's no way to determine who sold the gun.

My proposal in Wisconsin that deals with these little guns would require everybody who purchases them to give us a fingerprint and we would know who purchased this gun and when they purchased it and we could at least begin to put together the chain of custody of that gun to see who may have indeed purchased it and then sold it to a juvenile.

This, your bill, is obviously not going to end handgun violence against juveniles in the United States. If there was one bill that could do that, you, Senator, I'm sure, would have thought it up, or one of your colleagues or somebody smart enough in America would have figured out what the one law is that would do it. I agree with all the panelists that this is an enormous effort that has to be dealt with in a number of ways. To me, listening to the testimony here today, Dr. Hennes's figure is the one I think that we have to really focus on, that in the last 3 years there's been a 350 percent increase in the number of admissions in this hospital with gunshot wounds. They're being caused, for the most part, with these little guns, and the reason is because there are so many more of these little guns out on the street than there were 3 years ago. This is not the same debate that we were having 10 years ago or 15 years ago. This is now a debate in which these guns are flooding into our cities and kids carrying them around in their pockets, and little fights that used to be fistfights now turning into one pulling out one of these guns and shooting it.

I agree completely with the Reverend, who indicated that there has to be, in addition to law enforcement, strong laws and severely punishing people who do violate these laws, there has to be education, there have to be programs—a number of communities are starting them—dealing with gang resistance education, teaching young people to make the right decisions. So it is a community effort that reaches beyond law enforcement to our churches and community groups and schools and throughout. But we at the Federal level and at the state level have to look at some way to stem the flow of these things into our communities.

If you dump thousands of these into the streets of Milwaukee, I guarantee you you're going to have many, many more young people shot by these guns, and your bill, making this a national crime, would help that, although I think we all have to recognize, I'm sure you do, Senator, that this is not the one answer that is going to solve the entire problem. We have to be dealing with it on many different levels.

Senator KOHL. As you know, Mr. Attorney General, about a month ago in the Senate of the United States there was a vote to try and increase a gun dealer's license. Right now we have 250,000 gun dealers in this country, and many of them operate out of their apartments or even out of their automobiles. It costs $10 to become a licensed gun dealer. And we had a vote to increase the annual costs of being a gun dealer from $10 to $300 in the U.S. Senate. It lost 70 to 30. What should we do about licensing gun dealers?

Mr. DOYLE. Well, in Wisconsin we have no further licensing. We're one of about half of the states in the country that has no state licensing, so that $10 gun dealer fee on the Federal level makes you a gun dealer in Wisconsin. In Wisconsin we have about 5,700 gun dealers. Now, these are not people who you think of as having a gun shop. These are people that have, for many legitimate reasons, let me say, many of them get the gun dealer license because they can purchase wholesale and they're gun collectors and so on.

They're perfectly legitimate, law abiding citizens. But there are others who, for $10, become a Federal licensed gun dealer and they can then order these guns wholesale, in bulk, have them shipped into the state and can sell them out on the street. These are guns that, as I say, can be manufactured for as little as $13, they can be wholesaled at $30, and they can be out on the street for 50 or $60, and all you need to be a gun dealer in Wisconsin is $10 and to fill out the Federal license and you now are a licensed gun dealer, able to import these guns into the State of Wisconsin. So clearly we need to tighten the manner of trafficking in guns in this country.

Interestingly enough, as I indicated in my testimony, in 1968 these type of guns were manufactured outside of the United States and the Gun Control Act of 1968 largely shut down the foreign importation, but what it did was create a large national industry that is now making hundreds of millions of dollars putting these guns out on the streets of our cities and towns.

Senator KOHL. Incredible. When you think about it, you virtually could become a licensed gun dealer for nothing, $10, for nothing, and then you could, right away, order these guns and take them into your car, take them into your home, do whatever you want, just go out and sell them. I mean I must say I think it's close to being uncivilized.

Mr. DOYLE. Well, and part of our proposal on the state proposal is that anyone who would sell one of these guns would have to have a state gun license, and states similar to Wisconsin that have done that, Georgia and Indiana had a similar number of licensees, and they went to a state licensing system and reduced by about a third to a fourth the number of state licensed dealers in the state.

Senator KOHL. One last question, gentlemen. How much of an impact do you think what kids see on TV has on this whole problem in our society?

Dr. HENNES. A lot. It's been proven in studies over and over again, and it does have an impact. Violence on television is related to violence on the street and violence with kids in general.

Mr. JUDE. Yes. The increase of violence being observed on television or in other places desensitizes them to the area where they have very little feeling or regard for life in general. Oftentimes they look at it as a means of solving a problem quickly and permanently. So they tend to imitate, especially young kids, 10, 11, 12, and 13 year olds, and because of that, they feel the solution, you don't want something, get rid of it, and get rid of something in their minds is to blow him away, if they have the means. And because other kids realize this is the thinking of their peers, when they get in trouble, they then try to find some means of protecting themselves because they know the minds of their peers and they know it's not safe to confront them one on one, or in high school, when I was in high school, had a difficult problem, we would face each other, had a fistfight, got a bloody nose and went on home. But they know that this is not the way the game is played these days. So you have innocent kids looking for weapons, not because they are criminals but because they are purely frightened out of their minds. Unless I have something to protect myself, I'm a goner, using their terminology.

Reverend SAFFOLD. I have a 6-year-old son, and for almost 4 or 5 years I fought the idea of him having a toy gun. I refused to buy him a gun at all. I refused to buy a gun for him. I've kind of mellowed over my senior years now, and I've allowed him to have a squirt gun. I've asked the young people in my church, and I have 70 percent young people, and I asked how many people used to carry a weapon when they were walking the streets. And I have ex-gang members, I have some that have been involved in all kinds of scraps, and those young people raised their hands, and I looked at young people who, they're helping now to make a change in the community, but I look at some of them now and I said, I would have been afraid for you to have a squirt gun. I mean knowing their mentality, knowing you right now. So it's something that looks like it's glamorous.

My little boy, even as good as that young man is, at 6 years old, he wants a gun, and I refuse to allow him to have a gun because of the implications, and I don't want him to get used to that mentality, that idea. And then so many—it looks like a toy gun to me, this little gun that the brother has, it looks like a toy gun. Who's to know if it really is. And what this young man has said, Mr. Doyle has said, is frightening. It is frightening.

So I'm very much concerned about what television has to say about guns and the movies are saying. It's a very important issue, and I think that it has to start somewhere. Please know that I feel very strongly about that. It has to start somewhere. And if we work together, I think we can do it.

Senator KOHL. Thank you. Mr. Attorney General, violence and TV.

Mr. DOYLE. I agree with what's been said, and I think it's something we need to continue to, as is building now, continue to have the movement grow to try to confront those who make decisions on programming and hope that they exercise responsibility in what they show us.

I recently heard Janet Reno give a talk on this and made the point, she made the point that really we've made here, that too much of what's depicted shows people that the way to solve the problem is to fight your way out of it or shoot your way out of it instead of learning to work together to try to deal with the problem.

Senator KOHL. Well, thank you very much, gentlemen. You've been very, very helpful and advanced the cause a great deal by your presence and your testimony. Attorney General, thank you.

Mr. DOYLE. Thank you.

Senator KOHL. Dr. Hennes, thank you.

Dr. HENNES. Thank you.

Senator KOHL. Mr. Jude, thank you.

Mr. JUDE. Thank you.

Senator KOHL. Reverend Saffold, thank you.

Reverend SAFFOLD. Senator Kohl?

Senator KOHL. Yes, sir.

Reverend SAFFOLD. As a summary statement, can I just say this? I think that the most frightening thing was when the young people who told me to go see this movie, they told me this is real life.

Senator KOHL. Real life.

Reverend SAFFOLD. Real life. This is what they told me. This is real life. That's frightening.

Senator KOHL. All right. Well, our next witness today is Jim Fendry, who's the director of the Wisconsin Pro Gun Movement and the legislative director of the Wisconsin Rifle and Pistol Association.

Mr. Fendry, I would like to thank you for appearing today. I want to note that we have invited your organization here not to play the role, of course, of bad guys but, obviously, to help us develop a consensus. We would like you to begin and, if you would, try to limit your testimony to 5 minutes so we will have a chance to have a little exchange.

STATEMENT OF JAMES E. FENDRY, LEGISLATIVE DIRECTOR, WISCONSIN RIFLE & PISTOL ASSOCIATION, HALES CORNERS, WI

Mr. FENDRY. Thank you, Mr. Chairman. Mr. Chairman, I do thank you for the opportunity to testify on S–1087 and the issue of children and firearms. For the rest of the group my name is James E. Fendry. I'm a life-long resident of Milwaukee County, Wisconsin. And like yourself, Senator, I, too, served this great country into which I was born. First as a United States Marine, then a major portion of my adult life as a police officer and police firearms instructor, and today as a director of the Wisconsin Pro Gun Movement.

Senator Kohl, you and I grew up together. We grew up at a time when the mere discovery of a switch blade or a zip gun at Washington High School would have resulted in headlines in the Milwaukee Journal. It is needless to say what has taken place since those early fifties. Perhaps this makes visits with our old teachers even more enjoyable as we talk about happier times. Times when we could walk on Sherman Boulevard without fear.

Reflecting back, it is almost unbelievable that today so many students carry guns. Some because they are predators, and others, like creatures of the forest, because they fear they will lose their lives to those predators. Although in sadness I question the ability of any law being able to have even a minor effect on this tragic state of affairs, I do applaud your concern and your caring. But this is your nature. You left the business community in Wisconsin with a reputation for genius, but not only genius, but being a person that was very kindhearted and very generous.

The intent of S–1087, to keep guns and ammunition out of the hand of children, is a concept with which I and the Wisconsin gun owners that I represent can and do agree. And to that end I would be pleased to work with this subcommittee to effect the final passage of this bill. However, before I could support the legislation with the vigor that it deserves, I must express some valid concerns.

While the proposal exempts children engaged in adult supervised target practice and instruction, the question is, is this enough. Many of the 50 states allow people under the age of 18 to hunt with a handgun when accompanied by an adult, and one doesn't have to go to Wyoming to find people under the age of 18 carrying handguns. If we take a look, we'll find that some of the farm boys in the hills of Baraboo carry handguns while working their family farm because of the abundance and the dangers of rattlesnakes that reside in that area. The question, then, is would it be prudent or even practical to make that type of an activity a Federal violation? Of course, it's the cities where all the problems lie. Even if S–1087 was limited to cities of a certain population, then what about the safety of those under 18 who live alone? How do we tell a young gay person, thrown out of their home by homophobic parents, that if they possess a handgun for protection from murderous gay bashers, that this possession would become a Federal offense? How do you tell a young single mother, living alone, the type of women who often won't have enough money to buy a handgun better than one that was pictured here before, that if she decides to possess one to protect herself and her child that she will then have violated Federal law? And how do we tell the female students at the Florida University, where so many numerous classmates have been raped and murdered, that if dad and mom give them a handgun to keep them from being next, the entire family, then, could end up in Federal court?

Senator there are persons in this room today that have had their home invaded. They've been subject to attack, and not only where they suffered the loss of property, but they've had to suffer human indignities as well. Remembering the horror of such an event should be enough to hope that no other person ever becomes a victim of such a crime or be unarmed if they ever again have to confront such a criminal.

Now, all of this isn't to say that I feel that any child, regardless of age or training, should be permitted to possess a handgun, on the basis of their perception of the need to own. Wisconsin prohibits the possession of handguns by persons under 18, allowing only supervised target practice, and then only over the age of 12.

But considering the cost of Federal prosecution, the difficulty with prosecuting the juvenile in the Federal system and recurrent delays in prosecuting serious Federal crimes, the question is, would this be a good business decision for our over burdened courts?

Senate bill 1087 would prohibit the possession of handgun ammunition, even one round, by a person under 18. To say that possession of a .25 ACP ammunition would be prohibited but the possession of the more powerful .22 rimfire ammunition would be allowed because it can be used in a rifle as well, is somewhat lacking in logic. Today, unlike 25 years ago, many rifles are chambered for handgun cartridges, such as the .44 magnums. And throughout America, many people hunt deer and they hunt with .44 magnums. And in some cases those are rifles and in some cases those are handguns and then using handgun ammunition. It would not only be impossible, but pointless as well, to try to make a distinction. Children of law abiding American gun owners often start by collecting cartridges until they are old enough to buy and collect guns.

Obviously, the intent of S–1087 is not to take a revolver away from a 17-year-old working a ranch in Montana. It is not to reduce accidents, as firearms accidents among children are and have been continually on a steep decline as a result of the efforts of the NRA and gun owners throughout the nation. The purpose of the legislation is to disarm and to keep guns away from youthful criminals and killers in America's large cities.

Senator in business, you made good decisions based on evaluations. What was to be gained and at what cost. Most of all, to the best of your ability, you fully understood the situation and the problem before taking any action. With regard to children and guns, S–1087 and other proposed Federal gun legislation as well, I only ask that you apply the same principles that made you so very successful in business.

First, the problem that we are all here to talk about today is not a problem pervasive throughout America. It is not a problem pervasive throughout America's large cities. It is a problem limited by some societal anomaly to just a small portion of the certain cities. In an article in the Milwaukee Journal, dated July 25, 1993, it states that 95 percent of the slayings took place in a 10 zip code area of the city of Milwaukee. The same pretty much holds true for other crimes as well. It must be strongly stated that this is not, and I emphasize not, an indictment of African-Americans or Hispanics, for people of these ethnic back grounds living outside the 10 zip codes are not in any way involved in homicides or any other crimes to any greater degree than persons of other racial backgrounds. Life in the city, outside of the hot-spot, is generally as safe and secure as in the suburbs and the rural countryside. And this important fact, there are far more guns and more children that have easy access to guns in the suburbs and in rural America than there are in the inner cities. But rarely does a problem develop. And when the problem develops I think that we find in most cases the people who have committed the crime have driven out from somewhere in those 10 zip codes. Without a problem, I guess it also has to be asked, what do we need in the way of a solution.

To that end, several years ago I asked my most respected teacher, now 83 years old, what the answer might be to this problem.

A man of what I describe as being of unusual intelligence, told me that there was no answer, at least nothing that we who live outside the hot-spot could impact. It's not jobs, although that's part of it all. It's not education, although that, too, is part of it, particularly in educating all of the races that all people are equal. It certainly isn't gun control. It has more to do with morality and all that goes with morality. Throughout history free nations disintegrated when their people lost their morality. He then added, as applied to violence and homicide in the inner cities, there is little that can be done. Just as the drunkard and the drug addict cannot be helped until they want help and want to change, the people who live in the hot-spot cannot be helped until they, themselves will no longer be willing to live and raise their children in a manner that results in problems that exist today. He advised that the healing must come from within.

Senator if S–1087 were law today, I would be certain that my granddaughter's small collection of cartridges would be removed from her possession.

Two, I'm certain that my old squad partner, now living in Jackson Hole, Wyoming, would take away the revolver that his grandson carries while mending a fence line. But anyone who believes that this legislation would make it harder for even one juvenile offender to obtain a handgun is being somewhat naive.

Senator that concludes my formal statement. However, as the token representative of the gun lobby, so-to-speak, may I ask your indulgence for a few comments as well?

Senator KOHL. Why, certainly.

Mr. FENDRY. Thank you, Senator.

Senator KOHL. Do you want to make a few more comments?

Mr. FENDRY. If I may.

Senator KOHL. Yes. Go right ahead.

Mr. FENDRY. Thank you so much, Senator. I've heard a great deal of testimony here today, some indicating that we have too many gun dealers and that's a problem. Well, in Wisconsin alone we have 6,000 gun dealers. Over 90 percent of those are not in the city of Milwaukee, not even in Milwaukee County. They're not causing any trouble. And the ones who are in Milwaukee County aren't dealing out of the trunks of their car.

General Doyle testified that other states had been successful in state licensing gun dealers because it reduced the number of Federal licenses as well. I would hope that everybody here would understand just what the General said and what the General's intent is, and why we, who are part of the gun lobby, those that protect the civil rights of Americans who wish to own guns for law abiding purposes, are concerned about. All that the law did in Georgia and Indiana was not to reduce any violence. It continues to grow as much as it does in large cities throughout America. All it did was reduce the number of gun dealers and gave law abiding people fewer dealers with which whom to deal.

And there's something that I not only ask you to listen to, Senator, but I reach out to the hearts and the souls of everybody in this auditorium today. Perhaps my most favorite saying by a philosopher is that conflict among men is seldom a conflict of good versus evil; rather, it's varying ideas of good. Everybody in this room, and I think in this nation, concurs with what you want, I agree with what you want, I agree with what Attorney General Doyle claims to desire, but if everybody listened very closely and looked for the Freudian slips, we'd see there's a little more. This isn't an issue of guns and gun control. This is an issue of civil rights and personal freedoms and whether your descendants are going to have the ability to own guns. General Doyle has proposed and has introduced legislation that doesn't reasonably regulate firearms. It strongly bans firearms acquisition on the way to further bans. And the speaker that will follow me will talk about the need for reasonable regulations. But Sarah Brady's organization, Handgun Control, Inc., continues to donate large sums of money to communities and to states that attempt to ban the possession of handguns and of semi-automatic rifles and shotguns, and that's not a reasonable regulation. That is a ban. And even in one of the most liberal cities in the United States, Madison, Wisconsin, when the voters had an opportunity to decide whether they wanted to lose the right, the money that was put in by Sarah Brady wasn't enough and the issue failed. And this is the slippery slope that we're concerned about, Senator.

Your colleagues in Washington, DC have already introduced legislation supported by Handgun Control, I believe, that would ban all handguns from America. Another colleague has introduced legislation that would repeal the Second Amendment, and once we start repealing American freedoms and we get out on that slippery slope, we have to ask, well, then, what will happen next? This is why, when we hear the words the Brady Bill is a good first step, are we vehemently opposed to the Brady Bill? No, no, not. Most gun owners don't oppose the Brady Bill, they don't see much trouble in it, and certainly very few oppose your legislation that we are speaking about here today. It's the slippery slope that we get out onto and the fact that some day Americans, either through outright bans or bureaucracy, may be denied the right to own firearms. And thank you so much, Senator.

Senator KOHL. All right. I appreciate that and I'll just make a couple comments of my own. On the one hand, I hear you saying that you support the thrust of what we are trying to do, but I think most of us in this room, Mr. Fendry, would get the impression that, while you say that you support the thrust of what we do, you don't.

Mr. FENDRY. Let me respond to that. [Laughter and applause.]

Senator KOHL. And I appreciate that to no end. Life is not simple, it's complicated; and issues are not simple, they're complicated, which I think you are pointing out, and I don't have any disagreement with that. But you know, we have decided long ago that things like driving an automobile is sufficiently serious so that we say you have to be 16 before you can drive. That doesn't mean that there are not many 14 or 12 year olds that could drive an automobile. We say look, just to be on the safe side and to preserve the safety of all Americans, we're going to set 16 as an arbitrary limit. Maybe it violates the Constitution—you might bring it up—but the law now is 16. We say that drinking is a serious problem in this country, so we don't want people under 21 to drink. Now you could make strong arguments that there are many 18 year olds and 16 year olds who can drink safely, but we have decided that it is in the greater good of all of the people in our country and so we set 21 year old drinking laws. We also have 18 year old voting laws. And you could make an argument, many people could, and logically, that people of 16 in some cases can vote much more intelligently than people of 60 in some cases. But you know the law is 18. Now, what we are saying here about guns is that if we really believe that kids shouldn't have guns, in general, recognizing that there are some exceptions where kids can exercise the possession responsibly, which is what you are saying, even necessarily, which is what you are saying, but that if it is in the general good for this country to get guns out of the hands of kids, which most people agree with that, and I think you do, then we need to proceed with things like this piece of legislation and the Brady Bill and, at the same time, be very careful to preserve not getting on that slippery, slippery slope that you are worried about, and we're all worried about, stay off that slope, but it doesn't mean that you don't try and get something on the books that will help us to contend with the problem we have.

Mr. FENDRY. Allow me to respond in this manner, Senator. As you'll recall, at the earlier part of my testimony, I indicated that you and our parent organization, the National Rifle Association, is more than happy and has publicly announced they would be more than happy to work with you in resolving any deficiencies and to help enacting passage. But people have been too often misled by the media and perhaps even the Senator has been misled by the media to believe that the gun lobby opposes all gun legislation. Such is not the truth. The current Wisconsin background check was a bill that we brought out from Washington, DC, the NRA Bill, and had introduced as something to be in place of the seven-day wait. We felt if we can find out that if Senator Kohl might wish to purchase a handgun and within a minute we can know that he's perfectly clean and eligible to own one, there's no need for him to have to wait 7 days. Our legislature saw that wisdom and enacted the instant background check and defeated a waiting period.

In Washington, DC, when one of the senators said he was attempting to ban plastic handguns but the text of the legislation would have banned most of the handguns in America, NRA was quick to get in there and defeat that piece of legislation but help pass a substitute bill that actually did control plastic firearms, and this is current Federal law today.

When the anti-gunners, in their failure to be able to ban handguns, decided they would now ban bullets and attempted to ban what they called armor piercing ammunition, but the text of the bill outlawed most of the sporting handgun ammunition in America, the NRA was quick to defeat that but introduced legislation that, as you well know, is current Federal law controlling armor piercing ammunition.

We're very, very concerned about the issue. We just don't think that the good people that wish to own guns should have to pay the price for the very few who misuse firearms.

One thing is also important, per your comments. Certainly we don't have any right to drink in this country, we don't have any right to drive a car, that's a privilege; yet, with all the laws controlling alcohol consumption, and even though our laws don't control our driving, they only control when we drive on the road, but once we're off the road—I should say when we're on the road, all these laws have done absolutely nothing to control it. And before you yourself, Senator, and the members of the audience, totally embrace the concept of prohibition, remember this, there probably isn't one person in this room today that would feel that the prohibition of alcohol could be successful; rather, you know it created organized crime. Something we fight today. We know that the prohibition of drugs—and this isn't meaning to say that I suggest that drugs be legalized—but the billions and billions of dollars that we/you spend on controlling drugs has been a total failure. Today drugs are available in greater amounts and at lower prices than they ever were. Prohibiting firearms isn't going to work. I again repeat with emphasis what I had said earlier. Guns are in their greatest abundance in more affluent communities of Whitefish Bay, Fox Point, Elm Grove and the rest of Wisconsin and rest of America which is mainly rural. People have more money to spend on guns and they have more opportunity to use them, and this includes the children, but we don't have a problem.

The one thing, as we look at the graphs that were placed up here, is one tragic thing is missing. And if all we do as a people is to concentrate on the gun, we're missing the important issue. The important issue is that it may not be a gun problem—and don't let anybody say I said may, I use that for you—it may not be a gun problem, but as we take a look at the Wisconsin juvenile murder arrests, what we will see, as well as in this graph, is that—I say this unfortunately and hoping that there's total understanding in this hall, homicides among whites have stayed absolutely stable in adult groups and in juvenile groups for 20 years when they were white. The growth of this tremendous amount of homicides is taking place primarily in the African-American and Hispanic community. And if we turn our back on those people and do nothing to really eliminate the cause and say, well, we'll pass one gun law, we'll now have 23,439 gun laws on the books, this is going to do some good? No. It's not.

Senator KOHL. All right.

Mr. FENDRY. Thank you.

Senator KOHL. I appreciate your being here and I appreciate the frank exchange we had. I still want to say I'm concerned about your statement that we're prepared to work with you because you think it's a good idea, and then the statements that you've made repeatedly, saying it's not a good idea. But you're a good man and I enjoy having you here and thank you for coming.

Mr. FENDRY. And you, too, Senator, are a fine man. Thank you so much for the invitation.

Senator KOHL. All right. [Applause.]

[Mr. Fendry submitted the following:]

THE MILWAUKEE JOURNAL

Sunday, July 25, 1993

Report

From page 1

agers accounted for 24% of all homicide victims in 1992 — a pronounced increase from the 14.5% of all homicides involving teenagers in 1972.

The numbers were particularly disturbing for young black males and females.

Out of the 38 teenage homicides, 25 of them, or 66%, were black males and 8, or 21%, were black females. Three Hispanic males and two white males accounted for 8% and 5% of the total respectively.

By far, the weapon of choice was a gun. The number of people killed by an assailant using a firearm was 114. Of those, 75, or 66%, were between 15 and 29 years of age.

E. Michael McCann, Milwaukee County district attorney, called the figures "tragically sad for young black men."

"Typically, it's black on black, white on white and brown on brown," McCann said, referring to both killer and victim. "There's very little interracial slaying."

McCann also pointed to the high likelihood of arrest and conviction rates for homicides, but acknowledged that it does nothing to bring back a victim.

"This also shows the importance of giving somebody a stake in society," McCann said. "In violent crime, where an offender doesn't feel that he has anything to lose, it's very difficult to come up with deterrence. If a guy has a job, buying a house, he's not likely to steal a car or commit violent crimes."

The number of young people who died in 1992 includes the four young people who were slain in December at a North Side drug house. One of them, Frank Cook, 17, was dealing drugs from the house with some friends. The three others were visiting for what they were told was a party: Kizzy Holt, 14, and Patricia Simmons and Aysha Lewis, both 13. Four men have been convicted of the shootings.

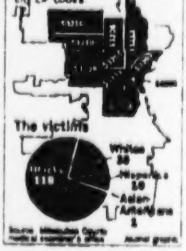
The report also found that 72% of the homicide victims in the 30-to-39-year-old age group were black males and 23% were white males.

The centrally located ZIP codes that saw 92% of the homicides last year are:

53202 — East Side and Riverwest

95% of slayings in central city

Of the 150 Milwaukee County homicides in 1992, all but five were committed in the city. And 145, or 95% of the city total, happened in one of 10 central city ZIP codes.



Source: Milwaukee County medical examiner's office

Journal graphic

53203 — downtown and the near North Side

53204 — near South Side

53205 — North Side

53206 — North Side

53208 — near West Side

53210 — Northwest Side

53212 — Riverwest and North Side

53216 — Northwest Side

53233 — near North Side

Homicides Dropped Overall

Still, there was some good news in last year's numbers. Homicides in the city dropped about 8% from 1991.

But that obscures what many see as a problem for the entire Milwaukee area, not just the city.

"I think people see it in the paper, see that it's not in their neighborhood, in the central city, and not worry about it," McCann said. "We cannot call ourselves civilized if we allow this. It's a blight on the entire body politic."

Central city

Homicide report draws bad picture for blacks

74% of victims in 1992 were African-American, county study says

By [illegible]
and MATTHEW HUTCHISON
of The Journal staff

When the body of a homicide victim is rolled into the Milwaukee County medical examiner's office, chances are that it's a young black man who lived in the central city. And it's even more likely the victim was shot to death.

According to statistics from the medical examiner's office released over the weekend, nearly all of Milwaukee County's homicides last year occurred within the central city.

In 1992, 154 of the county's 159 homicides, or 97%, occurred in the city, and 146, or 92% of the total, occurred within the city's 10 centrally located ZIP codes, the report says. Eight occurred elsewhere within the city, with only five in the county's suburbs.

Of those deaths, 74% of the victims were black, 19% white and 6.5% Hispanic.

The report suggests that although blacks make up only 30% of the city's population and only 20% of the county's, they were disproportionately more likely than whites or other racial groups to die at the hands of others.

"It clearly shows it has nothing to do with color — it has to do with poverty and it has to do with a lack of opportunity," said Jeannetta Robinson, co-founder and executive director of Career Youth Development. "You can take the suburbs, make them a pocket of poverty, take away their hope and they would turn on themselves, too."

The report also notes that teen-

Please see Report page 14

BEST COPY AVAILABLE

Senator KOHL. Well, our next guest really needs no introduction to the people here today. She is, of course, Sarah Brady, who, with her husband Jim, is the chief architect of the measure to require a waiting period and a background check for the purchase of a handgun and a background check on all firearms purchases. Today, Sarah is appearing in her capacity as chair of both Handgun Control, Inc., and as affiliate of the Center to Prevent Handgun Violence. So we welcome you here today, Sarah, and your full written statement will be inserted in the record. We are delighted to have you as our guest and we would be delighted to hear from you.

STATEMENT OF SARAH BRADY, CHAIRPERSON, HANDGUN CONTROL, INC., AND THE CENTER TO PREVENT HANDGUN VIOLENCE

Mrs. BRADY. Thank you, Mr. Chairman, and allow me to say I am delighted to be here, and I want to commend you for taking such a leadership role in the effort to save America's children from this great epidemic and threat of gun violence that we have heard so very much about today.

During the last decade, there was, as the FBI has described it, an unprecedented level of juvenile violence has occurred in this country. Even more disturbing than the rising incidences of crime is the intensity and character of the violence. Acts of vandalism have given away to increased theft and larceny, while assaults have given way to rapes and killings. The trend is all too clear. Both the perpetrators and the victims of violent crimes in America are getting younger and younger. Kids are killing kids, and it's a nationwide problem. No state is immune. No community. It is not, as you heard just previously, an inner city problem only. It is happening in suburbs all over the country. It is happening in rural areas to great extent. It is not just an inner city problem.

The numbers of juveniles arrested for murder here in Wisconsin soared from 14 in 1988, to 94 in 1992. By anybody's measure, that is a tragic development. And make no mistake whatsoever about it, guns are playing a leading role in this tragedy. The number of juveniles arrested for weapons violations here in Wisconsin rose from 1,315 in 1988 to 2,421 in 1992.

I am the parent myself of a 14-year-old, and I am increasingly apprehensive about the safety of our children. And I know I'm not alone. A recent Harris poll released earlier this year, found that 77 percent of adults, including 58 percent of gun owners, believed that children are endangered by guns. Only 29 percent believed that most children are safe from violence in their schools. One in five parents said they have or know someone who has a child who was wounded or killed by another child who had a gun. That's one in five parents. One in six pediatricians in this country has treated a gunshot wound. And I contrast that to Canada, where they were getting ready to do a seminar on how to treat gunshot victims, not just children. They could not find a pediatrician or a physician in all of Canada who had treated enough gunshot victims to be able to participate in the seminar. And one out of every six of our pediatricians here in the United States has treated a gunshot victim. Tragic.

I think we can all shudder when we think that one in 20 high school students has carried a gun. I'm a former school teacher myself, and I can't today even comprehend the fear that my former colleagues must face today. Fear that one of their students will pull a gun on another student. Fear that they may pull a gun on them. How can we expect the next generation of kids to grow up into productive, caring, educated adults, when, instead of concentrating on learning, their first concern today is survival?

And let me stress one point. No, there are no easy solutions, and there is no one solution to this problem. The epidemic of gun violence plaguing our country cannot be solved overnight, nor can it be solved with one single law or prescription. It's going to take a multiple-pronged solution, and I think we've heard a lot about that today in previous testimony. And it must be attacked on many levels.

One such level is certainly education. We need to educate all Americans and especially our youth, about the dangers of guns. The Center to Prevent Handgun Violence has been reaching—and that's an organization that I chair—has been reaching school-aged children and parents in cities across America with an innovative school-based curriculum. It's called the STAR program, Straight Talk About Risks. And it emphasizes the importance of conflict avoidance and gun prevention. Gun violence prevention. Excuse me. And it has become a demonstrated success. It is a pre-kindergarten through 12th year program. It is not anti-gun, but it is showing children other ways to solve life's problems than through violence and through picking up weapons.

We need to educate parents about how to keep guns away from the hands of children, to be locked in an area where kids cannot get a hold of them. I myself got involved in this, not because my own husband was involved in an assassination attempt and shot, but because my son, when he was 5 years old, happened to hop into a pick-up truck in Illinois, where my husband's from, we were going to go swimming, and as he got in, he reached on the seat and picked up off the seat what he thought was a toy, very much like what the attorney general had here, and started kind of playing with it, and I took it from him and I said, "Scott, you don't wave a toy at anyone," and as I did, I realized with horror it was not a toy but a fully loaded .22, one very much like the one that had several years before hit my husband. And I realized at that point that we in the United States were taking a much more, too cavalier an attitude toward weapons. Any human being who would leave a gun on the seat of a car for a child to pick up is totally irresponsible, and something needs to be done about it. So we need to educate parents, and all Americans as well, about gun safety.

Yes, we do need to pass laws, too. You probably are familiar with our efforts to pass the Brady Bill. The Brady Bill would merely require a five-business day waiting period so that police can run background checks in states that don't already run background checks, so that a handgun purchaser can be checked out to be sure they're not a fugitive or a felon or haven't been adjudicated mentally ill, or that they are, indeed, of proper age. We really believe that this is the cornerstone of an effective national gun policy. We have been working for 6 years now to pass this common sense legislation, and I was going to be able to say I was pleased that tomorrow there was going to be a hearing at which my husband and I were going to testify in the House Judiciary Committee, but it has been canceled. Hopefully that will happen within the next several weeks.

And we believe that the Brady Bill will become law this fall. Hopefully with discussion first on the senate floor, and Senator, I want to thank you for your loyal support of this legislation.

As mentioned before, in addition to the Brady Bill, we also need tighter regulation and supervision of the 280,000 federally licensed gun dealers in this country. We also need a ban on assault weapons. Now, I don't believe in banning handguns, but I do believe that there are a certain class of weapons that don't belong in civilian hands. Today we do not allow civilians to own bazookas or nuclear weapons or rocket launchers, and I think a majority of Americans today feel that military style assault weapons is the point at which we have to draw the line.

But just as importantly, as we're doing here today, we need to directly address the problem of kids and guns. And I'm delighted that many states are not waiting for Congress to act on this problem. And I commend you again for bringing it to Congress's attention, and I hope that very shortly it will become Federal law.

I am pleased, and you probably all have heard, that last week the Colorado state legislature met in a special session to pass legislation banning the possession of handguns by minors. Colorado now joins 28 states, including Wisconsin, that already ban the open carrying of handguns by minors under the age of 18. But more needs to be done. In many of the remaining 21 states, minors of any age may legally carry a handgun. And that's why we must have Federal legislation. And Mr. Chairman, that's why I support your bill and support it strongly. Current Federal law is simply inadequate. It bars the purchasing of handguns by minors, but does nothing further to prohibit children from possessing handguns. Your bill which will prohibit kids from possessing handguns except while under the direct supervision of an adult, is a law that we can all live with, a law that will begin to help save lives and reduce the climate of fear in our schools. No, it will not end all juvenile gun violence, but it sure is a logical place to start. If we don't make it illegal for minors to possess handguns, how can we even begin to address the problem of kids and guns?

In conclusion, again, I commend you, Mr. Chairman, for your steadfast leadership in addressing the problem of children and guns and gun violence. I appreciate your commitment and concern, and I've seen it in action over the years in Washington, and I'm very happy, and thankful, for the opportunity to appear here today to talk about this issue.

Senator KOHL. Well, thank you very much, Mrs. Brady. I would like to ask you this question: In spite of the polls that show that 9 out of 10 Americans support the Brady Bill and have supported the Brady Bill for several years now, and over half of Americans support handgun prohibitions with respect to minors, why is it that we have not been able to pass legislation?

Mrs. BRADY. Well, you know as well as I do that politics is a funny business. For many years the gun lobby has had a very strong influence over lawmakers in Washington. It's a very typical example of what can happen in any area, a very small group with a lot of money can wield an inordinate amount of power over politicians. That for a long time was a problem.

Recently, however, and as the Senator will remember, the Brady Bill did pass both in the House and Senate 2 years ago, or a year-and-a-half ago. We have the votes to pass this very important bill, and other bills. The gun lobby still is able to influence people in leadership positions or in committee and subcommittee positions, to make it difficult to bring it on the floor. But times are a changing and people all over the country, as was brought forth in the recent Harris pole, are demanding of their lawmakers, we are tired of this violence. No, we don't want to ban guns, but we do want some common sense legislation that's going to make it more difficult for criminals and kids and those adjudicated mentally ill to get guns. We have to do something.

No law is perfect, no law is going to solve all our problems. We have laws against murder, it doesn't stop murder. But we certainly aren't going to change that law, I know. We have to begin to start saving these kids' lives, and I predict because of President Clinton's strong leadership for the Brady Bill, Senator Mitchell is anxious to bring it up, and with your help and work as you've given us, I predict that it will pass this year.

Senator KOHL. All right. One more question, Mrs. Brady. The NRA and others make the argument that we already have 22,000 gun laws on the books throughout our country and yet the problem is getting worse. They claim that this is proof that firearm laws have not worked to reduce gun-related violence. How do you respond to that, Mrs. Brady.

Mrs. BRADY. OK. First of all, I would say, no one has ever been able to figure out where this 22,000 figure came from. According to the Justice Department we can only figure out close to 15 or 16,000 laws, most of which are very local, some very antiquated. They certainly are not Federal laws. And it points out what we need are effective, national, uniform laws that are enforceable and that are enforced. And we need effective laws, and that's what we're working toward with the Brady Bill, that's with your bill, which would be put into place federally, what Wisconsin already has in place, would do, would make it uniform so that you can't go to other states and traffic guns back in, so that everybody across the country is on an even footing.

Senator KOHL. And it also points out, does it, Mrs. Brady, that we're not talking, in terms of controlling violence, gun-related violence, clearly we're not just talking about gun laws, there's a whole culture that has developed in a negative way in this country that contributes to the problem, whether it's parents or TV violence.

Mrs. BRADY. Yes, TV violence certainly is a great problem that we have, the glamorization of weapons. Parents who teach, and you know, a parent who has a gun in the house for self-protection and takes the attitude, you know, I'm going to blow away the first person who walks in this house and tries to steal my TV, what message does that send to a child? The kid goes to school and someone tries to take his lunch money, his first reaction is, you know, maybe I should go home and get Dad's gun and blow this guy away. We are sending those messages. And when we talk about it only being inner city, no, we're talking about rural areas where that attitude does exist. And we really need, as a nation, to talk about what a civilized nation believes and what do we want to teach the next generation about getting along. Do we want an armed future generation where, every time you bump into somebody or get mad at somebody, you're going to solve it with weapons? Or are we going to begin today to solve the problem?

Senator KOHL. Well, we thank you for being here. You have contributed enormously to the discussion.

Mrs. BRADY. Thank you. It's been a pleasure.

Senator KOHL. And you come here with great effort, and on behalf of everybody here in this state, thank you very much, Mrs. Brady.

Mrs. BRADY. Thank you again. [Applause.]

Senator KOHL. And we thank you all for coming. It's, been a very enlightening hearing. We know that there are many problems with respect to kids and guns and violence, and not limited to laws. It's a whole societal culture that we need to work on, and with your help we will make progress. Thank you very much. [Applause.]

[Whereupon, at 11:05 a.m., the subcommittee was adjourned.]

APPENDIX

ADDITIONAL SUBMISSIONS FOR THE RECORD

PREPARED STATEMENT OF SENATOR PRESSLER

Mr. Chairman, thank you for bringing the issue of gun violence among our children before the committee. It is a timely subject, and one that has been a concern of mine. Although South Dakota has had only isolated incidents of juvenile handgun crime, we are not immune to this national problem.

In September 1991, South Dakota was faced with a shocking gun incident that made national headlines. A Rapid City high school student held 21 of his classmates hostage at gunpoint for more than 4 hours. One brave young student, Chris Ericks, managed to disarm the gunman. Fortunately, no one was injured. Chris was later nominated for a medal by President Bush for his heroic act.

While I believe the firearm in that instance was an assault rifle and not a handgun, it is an example of the dramatic and serious problem of illegal gun use by young Americans. This episode challenged school officials to examine the number of juveniles in possession of illegal weapons.

Since the incident, more than fourteen juveniles have been expelled from the school system for possession of illegal weapons. Even more disheartening, nearly half were expelled at the junior high school level. Rapid City police reported that juvenile weapons arrests have risen 41 percent in the last 10 years. It is apparent that the plague of juvenile crime has crossed South Dakota's borders.

South Dakota youths generally have an overall respect for firearm safety. Hunting is a favorite pastime of many South Dakotans. Firearm safety education is fundamental among youthful hunters in my state. In order to receive a hunting license, juveniles fifteen and under must attend a firearm safety education class. This respect for firearm safety is reflected by our state's small number of firearm accidents.

Although the Youth Handgun Safety Act of 1993 may invite the Federal Government into an area traditionally controlled by the states, I feel certain measures at the Federal level may be needed to alleviate juvenile crime. I am concerned, however, with the manner in which a juvenile in violation of this bill would be handled through the Federal court system.

To the extent that such Federal criminal procedures would be effective, I would be inclined to look favorably on this legislation. Although the need for this bill might not be as apparent in my home state of South Dakota, it could help the juvenile crime problem that exists across our nation.

I look forward to hearing the testimony today. Thank you, Mr. Chairman.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
INSTITUTE FOR LEGISLATIVE ACTION,
Washington DC, June 11, 1993.

Hon. JOSEPH R. BIDEN,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your inquiry at the June 9, 1993, "Kids and Guns" hearing before the Subcommittee on Juvenile Justice, enclosed is a summary of noted Federal Court Cases regarding the Second Amendment.

These materials, likewise, have been provided to the chairman of the subcommittee for inclusion in the hearing record.

I look forward to working with you on this and other issues of mutual concern.

Sincerely,

SUSAN LAMSON,
Director,
Federal Affairs Division.

Enclosures.

FEDERAL CASES REGARDING THE SECOND AMENDMENT

U.S. SUPREME COURT CASES

United States v. *Cruikshank*, 92 U.S. 542 (1876). This was the first case in which the Supreme Court had the opportunity to interpret the Second Amendment. The Court recognized that the right of the people to keep and bear arms was a right which existed prior to the Constitution when it stated that such a right "is not a right granted by the Constitution * * * [n]either is it in any manner dependent upon that instrument for its existence." The indictment in *Cruikshank* charged, *inter alia*, a conspiracy by Klansmen to prevent blacks from exercising their civil rights, including the bearing of arms for lawful purposes. The Court held, however, that because the right to keep and bear arms existed independent of the Constitution, and the Second Amendment guaranteed only that the right shall not be infringed by Congress, the Federal Government had no power to punish a violation of the right by a private individual; rather, citizens had "to look for their protection against any violation by their fellow-citizens" of their right to keep and bear arms to the police power of the state.

Presser v. *Illinois*, 116 U.S. 252 (1886). Although the Supreme Court affirmed the holding in *Cruikshank* that the Second Amendment, standing alone, applied only to action by the Federal Government, it nonetheless found the states without power to infringe upon the right to keep and bear arms, holding that "the States cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms, as so to deprive the United States of their rightful resource for maintaining the public security and disable the people from performing their duty to the general government."

Presser, moreover, plainly suggested that the Second Amendment applies to the states through the Fourteenth Amendment and thus that a state cannot forbid individuals to keep and bear arms. To understand why, it is necessary to understand the statutory scheme the Court had before it.

The statute under which Presser was convicted did not forbid individuals to keep and bear arms but rather forbade "bodies of men to associate together as military organizations, or to drill or parade with arms in cities and towns unless authorized by law * * * ." Thus, the Court concluded that the statute did not infringe the right to keep and bear arms.

The Court, however, went on to discuss the Privileges and Immunities Clause of the Fourteenth Amendment, noting that "[i]t is only the privileges and immunities of citizens of the United States that the clause relied on was intended to protect." As the Court had already held that the substantive right to keep and bear arms was not infringed by the Illinois statute since that statue did not prohibit the keeping and bearing of arms but rather prohibited military like exercises by armed men, the Court concluded that it did not need address the question of whether the state law violated the Second Amendment as applied to the states by the Fourteenth Amendment.

Miller v. *Texas*, 153 U.S. 535 (1894). In this case, the Court confirmed that it had never addressed the issue of the Second Amendment applying to the states through the Fourteenth Amendment. This case remains the last word on this subject by the Court. Miller challenged a Texas statute on the bearing of pistols as violative of the Second, Fourth, and Fourteenth Amendments. But he asserted these arguments for the first time after his conviction had been affirmed by a state appellate court. Reiterating *Cruikshank* and *Presser*, the Supreme Court first found that the Second and Fourth Amendments, of themselves, did not limit state action. The Court then turned to the claim that the Texas statute violated the rights to bear arms and against warrantless searches as incorporated in the fourteenth amendment. But because the Court would not hear objections not made in a timely fashion, the Court refused to consider Miller's contentions. Thus, rather than reject incorporation of the Second and Fourth Amendments in the Fourteenth, the Supreme Court merely refused to decide the defendant's claim because its powers of adjudication were limited to the review of errors timely assigned in the trial court. The Court left open the possibility that the right to keep and bear arms and freedom from warrantless searches would apply to the states through the fourteenth amendment.

U.S. v. *Miller,* 307 U.S. 174 (1939). This is the only case in which the Supreme Court has had the opportunity to apply the Second Amendment to a Federal firearms statute. The Court, however, carefully avoided making an unconditional decision regarding the statute's constitutionality; it instead devised a test by which to measure the constitutionality of statutes relating to firearms and remanded the case to the trial court for an evidentiary hearing (the trial court had held that section 11 of the National Firearms Act was unconstitutional). The Court remanded to the case because it had concluded that:

> In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than 18 inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense.

Thus, for the keeping and bearing of a firearm to be constitutionally protected, the firearm should be a militia-type arm.[1]

The case also made clear that the militia consisted of "all males physically capable of acting in concert for the common defense" and that "when called for service these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time."[2] In setting forth this definition of the militia, the Court implicitly rejected the view that the Second Amendment guarantees a right only to those individuals who are members of the militia. Had the Court viewed the Second Amendment as guaranteeing the right to keep and bear arms only to "all males physically capable of acting in concert for the common defense," it would certainly have discussed whether, on remand, there should also be evidence that the defendants met the qualifications for inclusion in the militia, much as it did with regard to the militia use of a short-barrelled shotgun.

Lewis v. *United States,* 445 U.S. 95 (1980). *Lewis* recognized—in summarizing the holding of *Miller, supra,* as "the Second Amendment guarantees no right to keep and bear *a firearm* that does not have 'some reasonable relationship to the preservation or efficiency of a well-regulated militia'" (emphasis added)—that *Miller* had focused upon the type of firearm. Further, *Lewis* was concerned only with whether the provision of the Omnibus Crime Control and Safe Streets Act of 1968 which prohibits the possession of firearms by convicted felons (codified in 18 U.S.C. 922(g) in 1986) violated the Second Amendment. Thus, since convicted felons historically were and are subject to the loss of numerous fundamental rights of citizenship—including the right to vote, hold office, and serve on juries—it was not erroneous for the Court to have concluded that laws prohibiting the possession of firearms by a convicted felon "are neither based upon constitutionally suspect criteria, nor do they trench upon any constitutionally protected liberties."

United States v. *Verdugo-Urquirdez,* 110 S. Ct. 3039 (1990). This case involved the meaning of the term "the people" in the fourth amendment. The Court *unanimously* held that the term "the people" in the Second Amendment had the same meaning as in the Preamble to the Constitution and in the first, fourth, and ninth amendments, i.e., that "the people" means at least all citizens and legal aliens while in the United States. This case thus resolves any doubt that the Second Amendment guarantees an individual right.

U.S. COURTS OF APPEALS CASES[3]

U.S. v. *Nelson,* 859 F.2d 1318 (8th Cir. 1988). This case is not a firearms case; it involves the Federal switchblade knife act. Based on the holding in *U.S.* v

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[1] According to Art. I, section 8, cl. 15 of the Constitution, the functions of the militia are: "to execute the Laws of the Union, suppress Insurrections, and repel Invasions * * * ." Thus, the militia has a law enforcement function, a quasi law enforcement/quasi military function, and a military function. As a result, those firearms which are "arms" within the meaning of the Second Amendment are those which could be used to fulfill any of these functions.

[2] Thus, when combined with the militia test—see fn. 1—it is clear that cannons, trench mortors, rockets, missiles, antitank weapons (such as bazookas), and bombs would not be "arms" within the meaning of the Second Amendment.

[3] Of the 13 Federal courts of appeals, 8 have spoken on the Second Amendment, half holding that the right guaranteed is not an individual right, half holding that it is an individual right;

Continued

Cruikshank, 92 U.S. 542, 553 (1876), that the right to keep and bear arms "is not a right granted by the Constitution," the Eighth Circuit concluded that the right is not fundamental. Of course, the statement in *Cruikshank*—a case which involved the theft of firearms by private citizens from other private citizens—simply meant that the right was not *created by* the Constitution, but that it preexisted the Constitution and that the Second Amendment was "to restrict the powers of the national government, leaving the people to look for their protection against any violation by their fellow-citizens of the rights it recognizes" to the state criminal laws. Moreover, the Eighth Circuit's one paragraph opinion cited *Miller, Oakes, infra,* and *Warin, infra,* without any explanation, in holding that the Second Amendment has been analyzed "purely in term of protecting state militias, rather than individual rights." While this statement is true, it certainly does not mean that *Miller* rejected the conclusion that an individual right was protected. Thus, the Eighth Circuit did not err in concluding that it was important that "Nelson has made no arguments that the Act would impair any state militia * * * ."

U.S. v. *Cody,* 460 F.2d 34 (8th Cir. 1972). This case involved the making of a false statement by a convicted felon in connection with the purchase of a firearm. After citing *Miller* for the propositions that "the Second Amendment is not an absolute bar to congressional regulation of the use or possession of firearms" and that the "Second Amendment's guarantee extends only to use or possession which 'has some reasonable relationship to the preservation or efficiency of a well-regulated militia,'" the court held that there was "no evidence that the prohibition of section 922(a)(6) obstructs the maintenance of a well-regulated militia." Thus, the court acknowledged that the Second Amendment would be a bar to some congressional regulation of the use or possession of firearms and recognized that *Miller* required the introduction of evidence which showed a militia use for the firearm involved.

U.S. v. *Decker,* 446 F.2d 164 (8th Cir. 1971). Like *Synnes, infra,* the court here held that the defendant could "present * * * evidence indicating a conflict" between the statute at issue and the Second Amendment. Since he failed to do so, the court declined to hold that the recordkeeping requirements of the Gun Control Act of 1968 violated the Second Amendment. As with *Synnes,* the court once again implicitly recognized that the right guaranteed belonged to individuals.

U.S. v. *Synnes,* 438 F.2d 764 (8th Cir. 1971), *vacated on other grounds,* 404 U.S. 1009 (1972). This is another case involving possession of a firearm by a convicted felon. In holding that 18 U.S.C. App. Section 1202(a) (reenacted in 18 U.S.C. 922(g) in 1986) did not infringe the Second Amendment, the court held (based upon its partially erroneous view of *Miller*) that there needed to be evidence that the statute impaired the maintenance of a well-regulated militia. As there was "no showing that prohibiting possession of firearms by felons obstructs the maintenance of a 'well regulated militia,'" the court saw "no conflict" between section 1202(a) and the Second Amendment. While *Miller* focused on the need to introduce evidence that the *firearm* had a militia use, *Synnes* at least recognized the relevance of a militia nexus. There was a clear recognition, moreover, that the Second Amendment guarantees an individual right.

Gilbert Equipment Co. Inc. v. *Higgins,* 709 F.Supp. 1071 (S.D. Ala. 1989), *aff'd,* 894 F.2d 412 (11th Cir. 1990) (*mem*). The court held that the Second Amendment "guarantees to all Americans 'the right to keep and bear arms' * * * ."

U.S. v. *Oakes,* 564 F.2d 384 (10th Cir. 1977), *cert. denied,* 435 U.S. 926 (1978). Although the court recognized the requirement of *Miller* that the defendant show that the firearm in question have a "connection to the militia," the court concluded, without any explanation of how it reached the conclusion, that the mere fact that the defendant was a member of the Kansas militia would not establish that connection. In light of the fact that *Miller* (which defines the militia as including "all males physically capable of acting in concert for the common defense") saw no relevance in the status of a defendant with respect to the militia, but instead focused upon the firearm itself, this conclusion is not without basis.*U.S.* v. *Swinton,* 521 F.2d 1255 (10th Cir. 1975). In the context of interpreting the meaning of the phrase "engaging in the business of dealing in firearms" in 18 U.S.C. 922(a)(1), the court noted, in *dicta,* merely that "there is no *absolute* constitutional right of an individual to possess a firearm." Emphasis added. Clearly, therefore, the court recognized that the right is an individual one, albeit not an absolute one.

U.S. v. *Johnson,* 497 F.2d 548 (4th Cir. 1974). This is one of the three court of appeals cases which uses the term "collective right." The entire opinion, however, is one sentence, which states that the Second Amendment "only confers a collective right of keeping and bearing arms which must bear a 'reasonable relationship to the

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one circuit has gone both ways. The remaining four have been silent. All of these cases, however, precede the Supreme Court's decision in *U.S.* v. *Verdugo Urquidez.*

preservation or efficiency of a well-regulated militia'.[4]" As authority for this statement, the court cites *Miller* and *Cody* v. *U.S., supra*. Yet, as the Supreme Court in *Lewis, supra,* made clear, *Miller* held that it is the firearm itself, not the act of keeping and bearing the firearm, which must have a "reasonable relationship to the preservation or efficiency of a well-regulated militia." The court did, however, recognize that *Miller* required evidence of the militia nexus. Moreover, the particular provision at issue in *Johnson* concerned the interstate transportation of a firearm by convicted felons, a class of persons which historically has suffered the loss of numerous rights (including exclusion from the militia) accorded other citizens.

U.S v *Bowdach,* 414 F.Supp. 1346 (D.S. Fla 1976), *aff'd,* 561 F.2d 1160 (5th Cir. 1977). The court held that "possession of the shotgun by a nonfelon has no legal consequences. U.S. Const. Amend II."

U.S. v. *Johnson, Jr.,* 441 F.2d 1134 (5th Cir. 1971). Once again, this decision merely quotes from *Miller* the statement concerning the requirement of an evidentiary showing of a militia nexus and a consequent rejection, without even the briefest of analysis, of the defendant's challenging to the constitutionality of the National Firearms Act of 1934 (NFA). Apparently, the defendant failed to put on evidence, as required by *Miller,* that the firearm at issue had a militia use. Thus, *Miller* bound the appeals court to reject the defendant's challenge.

Quilici v. *Village of Morton Grove,* 695 F.2d 261 (7th Cir. 1982), *cert. denied,* 464 U.S. 863 (1983). In rejecting a Second and Fourteenth Amendment challenge to a village handgun ban, the court held that the Second Amendment, either of itself or by incorporation through the Fourteenth Amendment, "does not apply to the states. * * *" The court, in *dicta,* went on, however, to "comment" on the "scope of the Second Amendment," incorrectly summarizing *Miller* as holding that the right extends "only to those arms which are necessary to maintain a well regulated militia." Thus, finding (without evidence on the record) that "individually owned handguns [are not] military weapons," the court concluded that "the right to keep and bear handguns is not guaranteed by the Second Amendment."

U.S. v. *McCutcheon,* 446 F.2d 133 (7th Cir. 1971). This is another case involving the NFA in which the court merely followed *Miller* in holding that the NFA did not infringe the Second Amendment.

Stevens v. *United States,* 440 F.2d 144 (6th Cir 1971). In a one sentence holding, the court simply concluded that the Second Amendment "applies only to the right of the State to maintain a militia and not to the individual's right to bear arms * * *" Merely citing *Miller* as authority for this conclusion, the court undertook *no* analysis of *Miller* or of the history of the ratification of the Second Amendment. This case, moreover, involved possession of firearms by convicted felons, a class of persons whose right traditionally have been more restricted than law-abiding citizens.*U.S.* v. *Day,* 476 F.2d 562 (6th Cir. 1973). Citing *Miller,* the court merely concluded, in reviewing a challenge to the statute barring dishonorably discharged persons from possessing firearms, that "there is no *absolute* right of an individual to possess a firearm." Emphasis added. Since there are certain narrowly defined classes of untrustworthy persons, such as convicted felons and, as here, persons dishonorably discharged from the armed forces, who may be barred the possession of firearms, it is a truism to say that there is not an *absolute* right to possess firearms. In so saying, the court implicitly recognized the individual right of peaceful and honest citizens to possess firearm.

U.S. v. *Warin,* 530 F.2d 103 (6th Cir 1976), *cert. denied,* 426 U.S. 948 (1976). Following, and relying upon, its earlier decision in *Stevens, supra,* the court simply concluded, without any reference to the history of the Second Amendment, that it "is clear the Second Amendment guarantees a collective rather than an individual right." The court also indicated that, in reaching its decision, it was relying upon the First Circuit's decision in *Cases, infra.* Yet in concluding that not all arms were protected by the Second Amendment, *Cases* did not hold, as did *Warin,* that the Second Amendment afforded individuals no protections whatever. *Warin* also erred in concluding that Warin's relationship to the militia was relevant to determining whether his possession of a machine gun was protected by the Second Amendment since the Supreme Court in *Miller* focused on the firearm itself, not the individual involved. In fact, *Miller* quite expansively defined the constitutional militia as encompassing "all males physically capable of action in concert for the common defense."

U.S. v. *Tot,* 131 F.2d 261 (3rd Cir. 1942), *rev'd on other grounds,* 319 U.S. 463 (1943). This is another case involving possession of a firearm by a convicted felon. Despite holding that the failure of the defendant to prove, as required by *Miller,* a militia use for the firearm was an adequate basis for ruling against the defendant, the court, in *dicta*, concluded that the Second Amendment "was not adopted with individual rights in mind * * *." This result was based on reliance on an extremely brief—and erroneous—analysis of common law and colonial history.[5] In addition, apparently recognizing that it decided the case on unnecessarily broad grounds, the court noted that, at common law, while there was a right to bear arms, that right was not absolute and could be restricted for certain classes of persons "who have previously * * * been shown to be aggressors against society."

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[4] As with all rights guaranteed in the Bill of Rights, the Second Amendment does not "confer" any rights; it merely protects rights from government interference.

U.S. v. *Graves*, 554 F.2d 65 (3rd Cir. 1977). Since the defendant in this case did not raise the Second Amendment as a challenge to the "statutory program which restricts the right to bear arms of convicted felons and other persons of dangerous propensities,"[6] the only discussion of the Second Amendment is found in a footnote wherein the court states "[a]rguably, any regulation of firearms may be violative of this constitutional provision."

Cases v. *United States*, 131 F.2d 916 (1st Cir. 1942), *cert. denied sub nom., Velazquez* v. *U.S.*, 319 U.S. 770 (1943). In this case, the court held that the Supreme Court in *Miller* had not intended "to formulate a general rule" regarding which arms were protected by the Second Amendment and concluded, therefore, that many types of arms were not protected. Nonetheless, the court in *Cases* expressly acknowledged that the Second Amendment guarantees an individual right when it noted that the law in question "undoubtedly curtails to some extent *the right of individuals* to keep and bear arms * * * ." Id. at 921. Emphasis added. Moreover, the court in *Cases* concluded, as properly it should have, that *Miller* should not be read as holding that the Second Amendment guaranteed the right to possess or use large weapons that could not be carried by an individual.

U.S. DISTRICT COURT CASES

U.S. v. *Gross*, 313 F.Supp. 1330 (S.D. Ind. 1970), *aff'd on other grounds*, 451 F.2d 1355 (7th Cir. 1971). In rejecting a challenge to the constitutionality of the requirement that those who engage in the business of dealing in firearms must be licensed, the court, following its view of *Miller*, held that the defendant had not shown that "the licensing of dealers in firearms in any way destroys, or impairs the efficiency of, a well regulated militia."

U.S. v. *Kraase*, 340 F.Supp. 147 (E.D. Wis. 1972). In ruling on a motion to dismiss an indictment, the court rejected a facial constitutional challenge to 18 U.S.C. 922(a)(5)—which prohibited sales of firearms to residents of other states. Recognizing that an individual right was protected, it held that "Second Amendment protection might arise if proof were offered at the trial demonstrating that his possession of the weapon in question had a reasonable relationship to the maintenance of a 'well-regulated Militia.'"

Thompson v. *Dereta*, 549 F.Supp. 297 (D. Utah 1982). An applicant for relief from disabilities (a prohibited person) brought an action against the Federal agents involved in denying his application. The court dismissed the case, holding that, because there was no "absolute constitutional right of an individual to possess a firearm," there was "no liberty or property interest sufficient to give rise to a procedural due process claim."

Vietnamese Fishermen's Assoc. v. *KKK*, 543 F.Supp. 198 (S.D. Tex. 1982). Like the statute faced by the Supreme Court in *Presser* v. *Illinois*, 116 U.S. 252 (1876), the Texas statute and the injunction at issue here prohibited private military activity. Mischaracterizing *Miller*, the court held that the Second Amendment "prohibits only such infringement on the bearing of weapons as would interfere with 'the preservation or efficiency of a well-regulated militia,' organized by the State." Later, however, the court, following *Miller*, explained that the "Second Amendment's guarantee is limited to the right to keep and bear *such arms* as have 'a reasonable relationship to the preservation or efficiency of a well regulated militia.'" The courts' understanding of the Second Amendment is thus inconsistent and, given the facts of the case, largely *dicta*.

U.S. v. *Kozerski*, 518 F.Supp. 1082 (D.N.H.1981), *cert. denied*, 469 U.S. 842 (1984). In the context of a challenge to the law prohibiting the possession of firearms by convicted felons, the court, while holding correctly (see discussion of *Nelson*, *supra*) that the Second Amendment "is not a grant of a right but a limitation upon the power of Congress and the national government," concluded that the right "is a collective right * * * rather that an individual right," citing only *Warin, supra.* As a district court in the First Circuit, however, the court was bound by *Cases, supra,* which expressly recognized that the right belonged to individuals.

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[5] For example, the court referred to the colonists as "a defenseless citizenry * * * ." In fact, it was precisely because the citizens *did* have arms and were not defenseless that they desired the Second Amendment; they did not want to *become* defenseless.

[6] Implicit in this language is the fact that the Second Amendment guarantees an individual right, albeit a right that may not be enjoyed by some narrowly defined class of untrustworthy persons.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
INSTITUTE FOR LEGISLATIVE ACTION,
Washington, DC, July 14, 1993.

Hon. HERBERT KOHL,
Chairman, Subcommittee on Juvenile Justice, Commmittee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: On behalf of the NFA, we appreciate having had the opportunity to testify before your Subcommittee on the subject of "Children and Gun Violence." Attached you will find a written response to the additional questions you posed.

Again, thank you for hearing our views on this critical issue. If you have any further questions, please do not hesitate to contact me at 202-828-6359.

Sincerely,

SUSAN R. LAMSON,
Director,
Federal Affairs Division.

RESPONSES TO QUESTIONS FROM SENATOR KOHL

Q. Do you agree or disagree with Mrs. Brady's recommendation that the YHSA, which would prohibit the possession of handguns without adult supervision, should apply to persons under the age of 21?

A. NRA does not agree that the YHSA should be amended to prohibit the *possession* of handguns by, and the transfer (by a person without a Federal license) of handguns to, persons under 21 years of age, supposedly to be consistent with current Federal law which prohibits the sale of handguns by federally licensed dealers to persons under 21 years of age.

Even if the murder arrest rate for 18 and 19 year olds is higher than for any other age group (in fact, 18–20 year olds have had among the highest arrest rates for homicide for decades), that does not lead to the conclusion that handgun possession should be federally proscribed for such persons.

It should first be noted that the predominant age among the tiny minority of the population which misuses firearms has never been the basis for proscribing gun ownership among that age group. If persons in their late teens have replaced persons in their early 20's as the most murderous age group, that no more argues for prohibiting handgun ownership among 18 and 19 year olds than did the previous data support prohibiting handgun possession among 20–24 year olds while allowing it among teenagers since they had lower homicide arrest rates than persons in their 20's. Likewise, the dramatically lower arrest rates, for murder, of persons under 18 surely does not mean that teenagers under the age of 17 or 18 should be allowed to purchase handguns from federally licensed dealers.

While the murder arrest rates for persons 18–20 has certainly risen dramatically, from the point of view of evaluating the effectiveness of "gun control" laws, a key point—as has been noted by Professors James Wright, Joseph Sheley, and their colleagues at Tulane University, under grants from the NIJ and OJJDP—is that:

> Nearly everything that leads to gun-related violence among youths is already against the law. What is needed are not new and more stringent gun laws but rather a concerted effort to rebuild the social structure of inner cities. [Joseph F. Sheley et al., "Gun-Related Violence in and Around inner-City Schools," 146 American Journal of Diseases of Children 677 at 682 (1992)]

As with all proposals for regulating law-abiding citizens on the off chance that an occasional criminal might be inconvenienced, the fact remains that, despite the increase in the number of teenagers arrested for homicide all data indicate that the vast majority of teenagers do not misuse firearms. According to the FBI Uniform Crime Reports, arrests for persons 18–20 for violent crimes in 1991 totalled 81,772, which would project to less than 25,000 gun-related violent crimes, or perhaps 50,000 if crimes not cleared by arrest were projected in. With over 11 million 18–20 year olds, the portion offending with guns—assuming that each offender commits only one crime, an assumption that overstates the number of offenders—is at most 0.4 percent. Add in the 30,000 weapons arrests, assuming that most were for firearms (in fact, a substantial proportion likely involve knives) and assuming that there was one arrest per youth (an assumption that overstates the number of offenders), the offenders remain less than 1 percent of 18–20 year olds. In terms of homicide involving firearms—the only crime relevant to the question—the high arrest rate still involves but one in 3,500 (.03 percent) citizens aged 18–20.

If consistency is the goal, rather than adding a handgun possession and transfer ban to the proscription on sales by federally licensed dealers to persons under 21, the appropriate step would be to consider lowering the age for dealer sales of handguns to 18, the age for transactions involving rifles and shotguns, to conform with the spirit of the Constitution's recognition of the status of persons 18 years of age and older.

After the Gun Control Act of 1968 made it a felony for dealers to sell handguns to persons 18–20 years of age, the Federal Voting Rights Act was amended (in 1970) to allow persons 18–20 years of age to vote in Federal elections, followed by the adoption of the 26th Amendment to the Constitution in 1971, lowering the age of franchise to 18 for state elections as well. Traditionally, the very word franchise related to freeness or freedom and was associated with the possession of arms. Thus, consistency would require giving consideration to updating the GCA'68.

Q. Notwithstanding the fact that the Federal Government can and does prosecute juveniles, would you be less concerned should we urge the Justice Department to develop—and states to adopt—a model code regulating the use of handguns by children?

A. It should first be noted that, despite the statement in the question, the Federal Government currently only punishes juveniles for offenses which would be offenses if committed by adults; there are no Federal juvenile status offenses, i.e., offenses which could only be committed by juveniles because of their status as juveniles. Our concern is that a Federal proscription on juvenile possession of handguns would, for the first time, involve the Federal Government in the enforcement of status offenses and that such enforcement activities would necessitate a new system of special procedures for the Federal district courts.

Clearly, it would alleviate the above concern if Congress was simply to urge the U.S. Department of Justice to develop a model state code. Nonetheless, NRA believes it would be inappropriate for the U.S. Department of Justice to develop such a code.

In the first place, the idea is repugnant to our Federal system of government. It is not the role of the Federal Government under the U.S. Constitution to enact legislation suggesting policies to the states; rather, the Federal Government was created by the states and is constitutionally empowered to regulate only in areas where state regulation is inadequate. Moreover, even if initially merely a suggestion, such a proposal would likely soon be imposed upon the states with a Federal carrot-and-stick approach. NRA believes that the states should take advantage of the studies conducted with Department of Justice funding to determine for themselves their own policies for dealing with the problems of juvenile misuse of firearms.

National Rifle Association of America,
Institute for Legislative Action,
Washington, DC, June 11, 1993.

Hon. Carol Moseley-Braun,
Subcommittee on Juvenile Justice, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Senator Moseley-Braun: Information is being provided, at your request, for inclusion in the hearing record of the June 9, 1993, "Kids and Guns" hearing before the Senate Judiciary Committee, Subcommittee on Juvenile Justice.

1. State-by-state, 1991 Hunter Education Program Profile.[1] The most recent data available, includes a focus on the Illinois Hunter Education Profile.
2. State-by-state, Handgun Hunting Regulations, current through 1989. This profile includes a 1993 update on handgun hunting in the State of Illinois.
3. The NRA's Eddie Eagle Gun Safety Program was established in 1988. Since its inception, 45 grade, elementary and middle schools and school districts in Illinois have made inquiries to the NRA about incorporating the Eddie Eagle Gun Safety Program in their individual curriculums. Confidentiality of the program participants is reserved at their request However, specific questions on the program can be addressed to the NRA, Safety Education Division, 1600 Rhode Island Avenue, NW, Washington, DC 20036. 1-800-231-0752.

Thank you for the opportunity to provide this information for the hearing record.

Sincerely,

Susan Lamson,
Director,
Federal Affairs Division.

Enclosure

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[1] Inserted as exhibit six on page 52.

HANDGUN HUNTING REGULATION

PLEASE NOTE: This information is taken from the condensed regulations provided to the National Rifle Association by the state and provincial wildlife agencies. A list of these agencies is enclosed. For more detailed and specific information please contact the appropriate agency.
In some cases where handgun hunting is allowed by the wildlife agency, restrictive state laws or local ordinances complicate or prohibit their use.

UNITED STATES*

ALABAMA	YES	Permit required to carry but legal for hunting, subject to wildlife management area restrictions
ALASKA	YES	Pistols using center-fire cartridges are legal for big game. Any handgun may be used for unclassified and small game.
ARIZONA	YES	Big game, except buffalo, may be legally taken with centerfire handguns and handguns using black powder or Pyrodex.
ARKANSAS	YES	Legal for deer. No minimum caliber, same restriction as for rifles and barrels must be 4 inches or larger. For small game, unlawful with pistol larger than .22 caliber
CALIFORNIA	YES	Prohibited for upland game and waterfowl, permitted for rabbits and squirrels except in LA county; .357 Magnum, .41 Magnum are legal only for bear and wild boar, with soft nose or expanding bullets.
COLORADO	YES	Permitted for rabbits, squirrel, turkey (fall season), predators and .24 caliber or larger for deer, elk, antelope.
CONNECUTICUT	YES	No handgun larger than .22 cal for raccoon. Legal for all game species except deer.
DELAWARE	NO	Not legal for game species but may be used for unprotected wildlife.
FLORIDA	YES	Legal for game and nongame animals: rimfire cartridges prohibited for deer and bear.
GEORGIA	YES	Legal for deer, bear and small game. .22 caliber rimfire only for rabbits, squirrel and raccoon. Not legal for turkey. Legal deer calibers are those which produce 500 ft. lbs of energy at 100 yards.
HAWAII	YES	Prohibited in public hunting areas.

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*State-by-state information current through 1989.

IDAHO	YES	Legal for hunting game and nongame animals, forest grouse and wild turkeys.
ILLINOIS*	YES	Prohibited for deer hunting but legal for small game and unprotected wildlife.
INDIANA	YES	For deer, handguns of 38 caliber or larger must have a barrel length of 4 inches or longer. Handguns may be used for hunting small game or unprotected wildlife. A permit is required for transporting a handgun in a vehicle or on your person when off your property or place of business.
IOWA	YES	Permitted for hunting small game and predators or unprotected wildlife.
KANSAS	YES	Not legal for deer hunting, but may be used for hunting small game and unprotected wildlife.
KENTUCKY	YES	Permitted for hunting small game and predators. Certain handguns permitted for deer. See regulations.
LOUISIANA	YES	Handguns may be used for hunting.
MAINE	YES	Permitted for hunting big and small game, predators and unprotected wildlife.
MARYLAND	YES	Permitted for hunting small game and predators or unprotected wildlife. The .44 Magnum is legal for deer hunting only in counties that permit rifle hunting. Must generate 1200-foot-pounds of muzzle energy.
MASSACHUSETTS	YES	Illegal for deer and turkey hunting. Larger than .38 caliber prohibited on all species at night. Otherwise, permissible to use on small game or unprotected species. Permit required for transporting handgun in a vehicle.
MICHIGAN	YES	May be used for small game and deer. See hunting guide or contact DNR for special handgun rules in southern Michigan.
MINNESOTA	YES	Legal for hunting. Special regulations applied depending on use for small or big game.
MISSISSIPPI	YES	Legal for hunting big game, small game, predators, and unprotected species.

*Illinois had a special handgun hunting season for deer in January, 1993. The same is planned for 1994. Firearms of .38-.45 caliber, with a four inch minimun barrel length are required.

MISSOURI	YES	Deer may be taken with a pistol or revolver using a centerfire cartridge which fires an expanding-type bullet weighing not less than 125 grains and which develops not less than 350 foot-pounds of energy at 50 yards. All pistols legal for upland game animals but not for birds.
MONTANA	YES	Handgun hunting is permitted.
NEBRASKA	YES	Must deliver 400 foot pounds of bullet energy at 50 yards.
NEVADA	YES	Legal for big game with 4 inches or more barrel length. May be used in .357 magnum, .41 magnum, .44 magnum or .45 magnum, and centerfire cartridge of .22 caliber or larger with overall loaded length of 2 inches or more.
NEW HAMPSHIRE	YES	Handgun hunting is permitted wherever hunting with a rifle is allowed.
NEW JERSEY	NO	Not permitted for hunting game species.
NEW MEXICO	YES	Center-fire handguns using ammunition with a case length of 1.98 inches or longer. .357 magum, 9 mm magnum and .30 carbine handguns are not legal.
NEW YORK	YES	Centerfire handguns may be used for deer and bear where rifles are permitted and in some areas restricted to shotguns. Certain areas require handguns no less than .35 caliber and no less than four inch barrel length.
NORTH CAROLINA	YES	During open hunting season for rabbits, squirrels, opossum, raccoons, furbearing animals, and legal nongame animals and birds, these species may be taken with a pistol of .22 caliber with a barrel not less than 6 inches in length and loaded with long-rifle ammunition. Deer, bear and wild boar may be taken with a handgun during the established gun hunting season providing that the handgun has a barrel length at least 5 1/2 inches in length, no less than .357 caliber.
NORTH DAKOTA	YES	Handgun cartridge cases must be at least 1.285 inches in length and shoot a projectile at least .257 inches in diameter. In addition, any handgun designed to fire a legal rifle cartridge shall be legal.

OHIO	YES	Permitted for hunting small game, predators or unportected wildlife with some further firearms restrictions on wildlife management areas.
OKLAHOMA	YES	Centerfire handguns chambered for a 24 caliber or larger, 100 grain or heavier, softnosed bullet having an overall cartridge length of 1 1/4 inches or longer. Minimum barrel length of 4 inches.
OREGON	YES	Unlawful for some big game animals and game birds, but is permitted for hunting predators, unprotected wildlife, and deer. Must have a special permit.
PENNSYLVANIA	YES	Air pistols and automatic, semi-automatic or auto-loading pistols unlawful for wild birds or animals. Manually-operated revolvers legal for game.
RHODE ISLAND		Handgun hunting is not technically illegal but is outlawed for practical purposes by restrictive handgun-carrying policy.
SOUTH CAROLINA	YES	Are permitted for hunting.
SOUTH DAKOTA	YES	For big game handgunners must use expanding bullets with energy of 1,000 foot pounds.
TENNESSEE	YES	For small game (except migratory birds) handguns must use .22 caliber, rimfire ammunition. Handguns using centerfire ammunition prohibited for small game on wildlife management areas. Handguns using certer-fire ammunition are legal for hunting groundhogs and crows except during deer season. Those under 18 prohibited from hunting with handguns.
TEXAS	YES	No restriction, may be used during firearm season. Regulations for centerfire firearms apply. Must adhere to Migratory Bird regulations. Rimfire handgun may be used for turkey hunting.
UTAH	YES	.357 Magnum or larger legal for big game.
VERMONT	YES	Permitted where rifle hunting is allowed.
VIRGINIA	YES	Pistols or revolvers .23 caliber or larger with 350 foot-pound muzzle energy may only be used for hunting non-migratory game birds and game animals west of the Blue Ridge and east of the Blue Ridge where rifles are legal. Pistols or revolvers using .22 rimfire are permitted for

		small game where a .22 rifle is permitted. Pistols or revolvers may not be carried concealed without a permit.
WASHINGTON	YES	Prohibited for elk, mountain sheep, mountain goat, and game birds except for spruce, ruffed, and blue grouse.
WEST VIRGINIA	YES	Any .22 caliber handgun, rimfire or center-fire can be used legally for hunting small game if the barrel is at least four inches long. To legally carry a handgun, you need a Class A-1 license in addition to your regular hunting license. When hunting, the gun must be carried unconcealed in an easily visible place.
WISCONSIN	YES	.22 rimfire handguns only may be used for the same hunting purposes as the .22 rimfire rifle. Deer may be hunted with handguns loaded with .357, .41, and .44 magnum caliber cartridges or any other caliber handgun chambered which produce a minimum muzzle energy of 1,000 foot pounds. Hunters using handguns may not possess any other gun while hunting deer.
WYOMING	YES	Legal handgun calibers for trophy or big game are .41 Remington Magnum, .44 Remington Magnum, .44 Auto Magnum, .45 Winchester Magnum, and .454 Casull.
CANADA		
ALBERTA	NO	Not allowed.
BRITISH COLUMBIA	NO	Not allowed.
MANITOBA	NO	Not allowed.
NEW BRUNSWICK	NO	Prohibited.
NOVA SCOTIA	NO	Not allowed.
NORTHWEST TERR.	NO	Not allowed.
PRINCE EDWARD ISL.	NO	Not allowed.
ONTARIO	NO	Prohibited.
QUEBEC	NO	Prohibited.
SASKATCHEWAN	NO	Not allowed.
YUKON TERRITORY	NO	Prohibited for big game.

Newswee

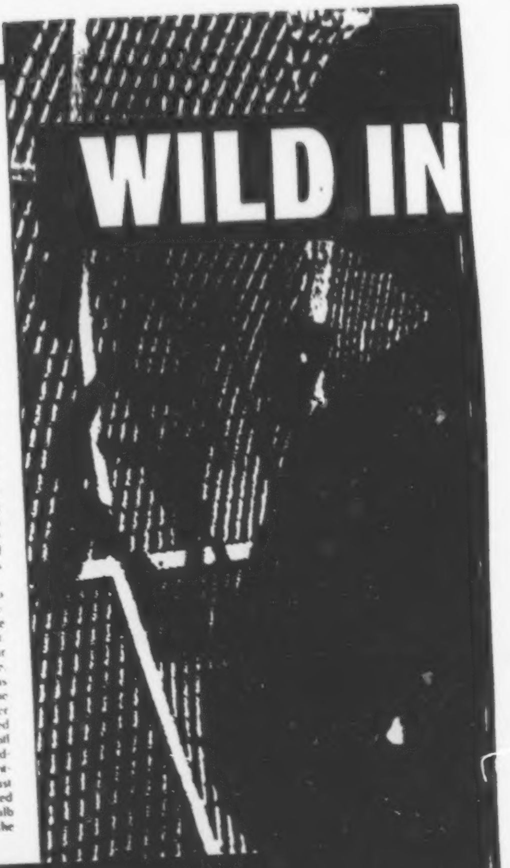
A SUICIDE IN WASHINGTON

The Mystery at the White House

TEEN VIOLENCE

WILD IN THE STREETS

SOCIETY



WILD IN

Murder and mayhem, guns and gangs: a teenage generation grows up dangerous—and scared

By Barbara Kantrowitz

CHARLES CONRAD DIDN'T HAVE A chance. He was 55 years old, crippled by multiple sclerosis and needed a walker or wheelchair to get around. The boys who allegedly attacked him earlier this month were young—17, 15 and 14—and they were ruthless. Police say that when Conrad returned to his suburban Atlanta condominium while they were burgling it, the boys did what they had to do. They got rid of him. Permanently.

Over a period of many hours—stretching from dusk on July 17 until dawn of the next day—they stabbed him with a kitchen knife and a barbecue fork, strangled him with a rope and hit him on the head with a hammer and the barrel of a shotgun, according to a statement one of the boys, 14-year-old Carlos Alexander Nevarez, reportedly gave to police. At one point they realized they were hungry. So they heated up the macaroni and cheese they found in Conrad's kitchen and washed it down with Dr Pepper.

Despite this torture, Conrad survived. According to the statement published by The Atlanta Journal-Constitution, a grievously wounded Conrad begged the boys to shoot him and put a swift end to his agony. But, Nevarez said, the boys were afraid people would hear the gunshots. So they allegedly beat him some more and then poured salt into his wounds to see if he was still alive. When his body twitched in response to the pain, they threw household knickknacks at him. After he was struck in the back by a brass eagle, "he stopped breathing," Nevarez told police. The boys then took off in Conrad's wheelchair-equipped van with their hard-earned loot: a stereo, a VCR, a camcorder and a shotgun, according to an indictment handed down last week. Even law-enforcement officials were shocked when they arrested the boys the next day. The DeKalb County district attorney, J. Tom Morgan, calls it "the worst crime scene I've ever seen."

HOUSTON

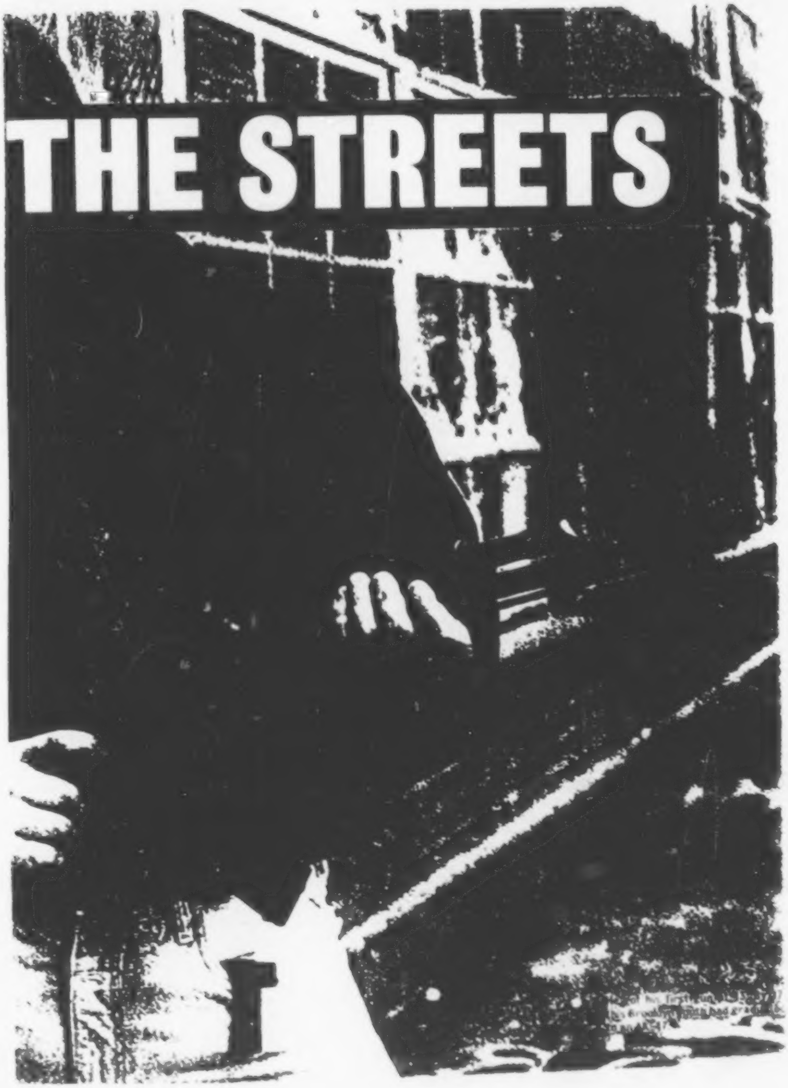
On their way home from a pool party last month, two teenage girls took a shortcut into the woods, where they were viciously raped and strangled. Police arrested six alleged members of the Black N White gang.

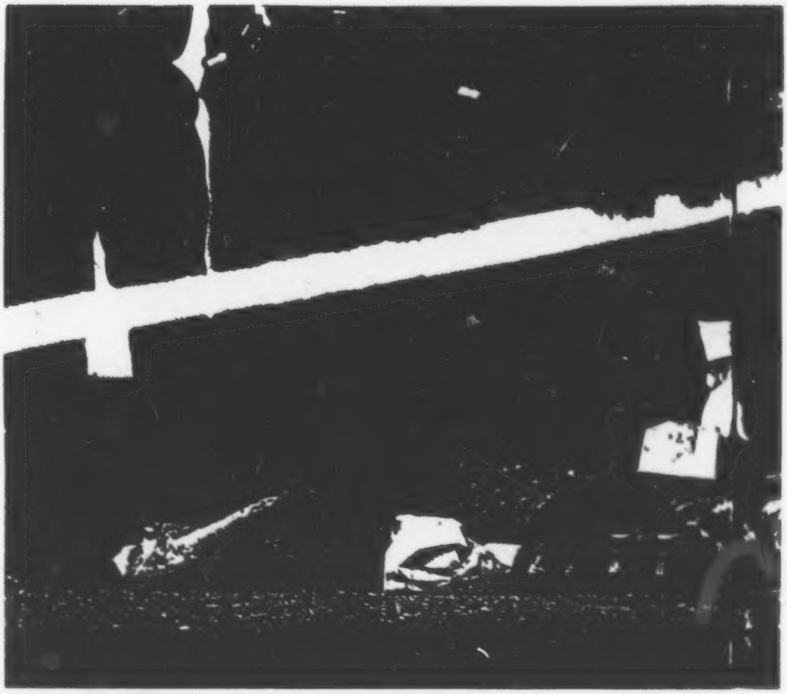
Defendant Derrick O'Brien, 18

GROVELAND

In rural Massachusetts, Baldwin was charged with killing a 17-year-old girl with a baseball bat. The alleged motive: she wouldn't date him. He denies the charge.

Richard Baldwin, 17


THE STREETS



A San Antonio teen executed by gang members in broad daylight; the city's homicide rate is on a pace to surpass last year's record level

Conrad's death was particularly gory but it was not an isolated incident. Each day seems to bring a new horror story of vicious crimes by boys – and a few girls. Near Ft. Lauderdale, Fla., on July 14, a group of teenagers allegedly beat and stabbed a friend to death; police have yet to come up with a motive. A few days earlier in New York, a Brooklyn mother made the front pages for the saddest of distinctions: losing all three of her young sons to street violence. Some victims, such as the mentally retarded girl sexually assaulted by high school football players in Glen Ridge, N.J., get whole forests of publicity. But most victims are mourned only by the people who loved them. In February, Margaret Ensley's 17-year-old son Michael caught a bullet in the hallway of his high school in Reseda, Calif. She says a teen shot her son because he thought Michael gave him a funny look. The shooter, she says, is now serving 10 years in a youth-authority camp. "But I have life imprisonment without the possibility of parole," says Ensley, "because I won't ever have my son back again. When they were filling his crypt, I said, 'Lord, let me crawl up there with him,' because the pain was so unbearable."

Law enforcement and public-health officials describe a virtual "epidemic" of youth violence in the last five years, spreading from the inner cities to the suburbs. "We're talking about younger and younger kids committing more and more serious crimes," says Indianapolis Prosecuting Attorney Jeff Modisett. "Violence is becoming a way of life." Much of it, but by no means all, can be found in poor neighborhoods, where a disproportionate number of victims and victimizers live side by side. But what separates one group from another is complex: being neglected or abused by parents, witnessing violence at an early age on the street or in the house, living in a culture that glamorizes youth violence in decades of movies from "A Clockwork Orange" to "Menace II Society," the continuing mystery of evil. To that list add the most dangerous ingredient: the widespread availability of guns to kids. In a Harvard School

of Public Health survey released last week, 59 percent of children in the sixth through the 12th grades said they "could get a handgun if they wanted one." More than a third of the students surveyed said they thought guns made it less likely that they would live to "a ripe old age." Cindy Rodriguez, a 14-year-old living in gang-riddled South-Central Los Angeles, is a testament to the ferocity of unrestrained firepower. Two and a half years ago, a gang bullet ripped through her body as she was talking to the mailman outside her house. Now she's paralyzed for life. And the bullets keep coming. "We hear gunshots every day," she says. "Sometimes I get scared. I'm in the shower and I hear it and I get all scared. But you have to live with the reality."

Violence is devastating this generation as surely as polio cut down young people 40 years ago. Attorney General Janet Reno says youth violence is "the greatest single crime problem in America today." Between 1987 and 1991, the last year for which statistics are available, the number of teenagers arrested for murder around the country increased by an astonishing 85 percent, according to the Department of Justice. In 1991, 10- to 17-year-olds accounted for 17 percent of all violent-crime arrests; law-enforcement officials believe that figure is even higher now. Teenagers are not just the perpetrators; they're also the victims. According to the FBI, more than 2,200 murder victims in 1991 were under 18—an average of more than six young people killed every day. The Justice Department estimates that each year, nearly a million young people between 12 and 19 are raped, robbed or assaulted, often by their peers.

Unmeasured violence: That's the official count. The true number of injuries from teen violence could be even higher. When emergency medical technicians in Boston recently addressed a class of fifth graders, they were astonished to find that nearly three quarters of the children knew someone who had been shot or stabbed. "A lot of violence goes unmeasured," says Dr. Deborah Prothrow-Stith, assistant dean of the Harvard School of Public Health and author of "Deadly Consequences," a book about teen violence. Paramedic Richard Serino, who is a supervisor in the emergency room at Boston City Hospital, estimates that doctors save seven or eight wounded teens for every one who dies. Many of the "lucky ones," Serino says, end up paralyzed or with colostomy bags.

The statistics are shocking—and so is the way some teenagers react when they're caught and accused of brutal crimes. "Hey, great! We've hit the big time," 17-year-old defendant Raul Omar Villareal allegedly boasted to another boy after hearing that they might be charged with murder. Villareal was one of six Houston teens arrested and charged last month in the brutal rape and strangulation of two young girls who made the fatal mistake of taking a shortcut through a wooded area where, police say, the boys were initiating two new members into their gang. In Dartmouth, Mass., this April, two 16-year-olds and one 15-year-old armed with clubs and knives barged into a high-school social-studies class and, police say, fatally stabbed a 16-year-old. One of the accused killers reportedly claimed that cult leader David Koresh was his idol and laughed about the killing afterward.

Dartmouth is a suburb of New Bedford, the sort of place city dwellers flee to, thinking they'll find a respite from city crime. While the odds may be a bit better, a picket fence and a driveway is no guarantee. Indeed, even suburban police departments around the nation have taken to keeping watch on groups they worry may develop into youth gangs. Thus far, most of these kids seem like extras from "West Side Story," bunches of boys content to deface walls and fight with clubs and chains.

The casual attitude toward violence is most acute in inner-city neighborhoods, where many youngsters have grown up to the sounds of sirens and gunshots in the night and the sight of blood-spattered sidewalks in the morning. After so many years in a war zone, trauma begins to seem normal. This is how Shakera, a sweet-faced 6-year-old who lives in Uptown, one of Chicago's most dangerous areas, calmly describes one terrible scene she witnessed at a neighbor's apartment: "This lady, she got shot and her little baby had got cut. This man, he took the baby and cut her. He cut her on the throat. He killed the baby. All blood came out. This little boy, when he saw the baby, he called his grandmother and she came over. And you know, his grandmother got killed, but the little boy didn't get killed. He comes over to my house. That man, he took the grandmother and put her on the ground, and slammed her, and shot her in the door. Her whole body, shot in the door." After telling her tale, Shakera smiles. "You know what I want to be when

JUVENILE ARRESTS

Juveniles accounted for 17% of all violent-crime arrests in 1991.

Juvenile arrests for murder increased by 85% between 1987 and 1991.

Three of every 10 juvenile murder arrests involved a victim under the age of 18 in 1991.

SOURCE: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. JUSTICE DEPT.

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I grow up? A ballerina or a mermaid."

In this heightened atmosphere of violence, normal rules of behavior don't apply. As traditional social supports – home, school, community – have fallen away, new role models have taken their place. "It takes an entire village to raise a child, but the village isn't there for the children anymore," says Modisett, the Indianapolis prosecutor. "The only direction these kids receive is from their peers on the street, the local drug dealers and other role models who engage in criminal conduct." Katie Buckland, a Los Angeles prosecutor who volunteers in the city's schools, says the kids she sees have already given up the idea of conventional success and seize the opportunities available. "The kids that are selling crack when they're in the fifth grade are not the dumb kids," she says. "They're the smart kids. They're the ambitious kids . . . trying to climb up their own corporate ladder. And the only corporate ladder they see has to do with gangs and drugs."

With drugs the route to easy money, prison is the dominant institution shaping the culture, replacing church and school. In the last few years, more young black men have gone to jail than to college. Fathers, uncles, brothers, cousins have all done time. April Allen, a 15-year-old who lives in Boston's Roxbury section, has friends who think of jail as a kind of sleep-away camp. "The boys I know think it's fun to be in jail because other boys they know are in jail, too," she says. Prison is a way of looking the

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Girls Will Be Girls

IT'S NOT JUST BOYS. IN SAN Antonio, Texas, recently, a 13-year-old girl allegedly beat and then held down another girl while police say several boys sexually assaulted her. In New Orleans, a 16-year-old schoolgirl pulled out a six-inch kitchen knife and plunged it into a classmate's back. On the streets of Los Angeles and New York, some girls carry small guns in their purses and razor blades in their mouths, in case they need to protect themselves – or find a victim ripe for the taking.

The plague of teen violence is an equal-opportunity scourge. Crime by girls is on the rise, or so various jurisdictions report. In Massachusetts, for instance, 15 percent of the crimes that girls were convicted of committing in 1987 were violent offenses. By 1991, that number had soared to 38 percent. In California, judges send the "hard core" girls to the Youth Authority's Ventura School. "You name the crime, we have it; you think about the worst scenarios and we have them here," says Edward Cue, a school official.

For some girls, the best defense is a good offense. "I've had fights with a lot of guys," says Laura Morales, a South End, Boston, youth. Years ago, she concedes, a girl might have called a brother or a cousin to fight her battles. Today, says Morales, "if I have to take care of something, I'll do it by myself." A third-grade New Orleans girl recently took a .357 magnum to school to protect herself from a boy who was allegedly harassing her. After police confiscated the gun, she claimed that her complaints to the school officials had gone unheeded.

BILL TYMAN – IMPACT VISUALS

Some girls now carry guns. Others hide razor blades in their mouths.

Girls are breaking into the traditionally male world of gangs, too. The Kings, one of San Antonio's largest gangs, recently started accepting young women. Where male gang members used to refer to the girls as "hos and bitches," says Sgt. Kyle Coleman of the Bexar County Sheriff's Department Gang Unit, they're a little more reluctant now as those female gang members start to equal them in fights and drive-by shootings. Girls join gangs for a variety of reasons: protection, fun, because they like a particular boy or for acceptance. The gangs also provide a makeshift family. Some teens will do anything to join. In one initiation rite in San Antonio, girls are kicked and beaten by half a dozen gang members.

In Boston, the two biggest female gangs are every bit as ruthless as the boys'. "They're shooting, stabbing, and they're into drug sales and stickups," says Tracy Litthcut, manager for the Boston Streetworkers violence-intervention program. In New York City, not only are packs of boys "whirlpooling," or surrounding girls in public swimming pools and molesting them, but groups of girls are attacking other female swimmers as well. "I've been amazed at the brutality of the beatings of girls by other girls," says Dr. Naftali Berrill, director of the New York Forensic Mental Health Group. The violence is a vicious, antisocial pack mentality aimed at a target who is incapable of fighting back, says Berrill. The pack smells weakness, and the situation turns into a free-for-all where no individual person feels responsible.

Social agencies haven't learned much about curbing violence among young women. The police and social workers know only how to worry about whether the girls are pregnant, says Franklin Tucker, director of the Barron Assessment Counseling Center, where students from Boston schools are sent if they are caught with a weapon on school grounds. "These young girls are very angry and very hostile," he says.

They have their reasons – some good, some not. Sheri Pasanen, a San Diego social worker, was caught short recently when she was showing the movie "Thelma and Louise" to a group of jailed young and older women. "When they shot the [attempted rapist], the whole class cheered," she says. The problem, says Pasanen, is that their reaction was reasonable. "Every single one of them in there has probably been abused." But if violence is a learned behavior, it can also be unlearned. And these inmates now have some time to work on that lesson.

CONNIE LESLIE with NINA BIDDLE in Houston, DEBRA ROSENBERG in Boston and JOE WAYNE in San Diego

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GREG MILLER - STATE JOURNAL-REGISTER

Children grow up seeing blood in the streets, listening to alarms in the night. This little boy bumped into a police action in his lobby.

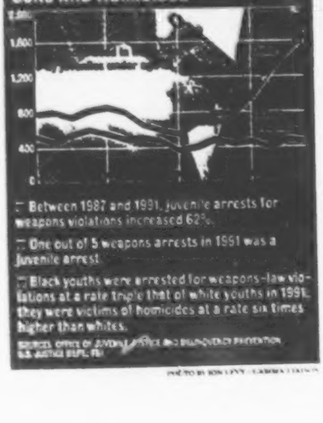
dropped-waist, baggy-pants look is even called "jailing" in Miami. And prison is a way of acting. "In prison, the baddest, meanest guy runs the cell," says H. T. Smith, a lawyer and African-American activist who practices in Miami's Overtown ghetto. "Your neighborhood, your school – it's the same. You've got to show him you're crazy enough so he won't mess with you."

If prison provides the method of social interaction, guns provide the means. Alexis Vega, a 19-year-old New Yorker, explains the mentality on the streets where she grew up: "If a man threatens me, that's a threat to my life. So I go get a gun and make sure I shoot him first before he shoots me. Even though he might not mean it. Just by saying it, it may scare me so much that I'm going to get him first." Vega has seen run-of-the-mill arguments turn into tragedies. "A bullet doesn't have anybody's name on it," says Vega. "Somebody shoots, they're so nervous, they'll catch you even though you don't have anything to do with it."

One kid with a gun is a finite danger; a gang equipped with Uzis, AK-47s and sawed-off shotguns means carnage. Unlike adult criminals, who usually act alone, violent teens normally move in a pack. That's typical teen behavior: hanging together. But these are well-equipped armies, not just a few kids milling outside a pizza parlor. There's a synergistic effect: one particularly aggressive kid can spur others to commit crimes they might not think of on their own. The victims are often chosen because they are perceived as weak or vulnerable, say social scientists who study children and aggression. As horrible as some of the crimes are, kids go along with the crowd rather than go it alone.

A dangerous breed. Some social scientists argue that teenage aggression is natural. In another era, they say, that aggression might have been channeled in a socially acceptable way – into the military or hard physical labor – options that are still available to putative linebackers and soldiers. But other researchers who have studied today's violent teens say they are a new and dangerous breed. At a conference on teen violence prevention in Washington, D.C., last week, psychologists and social workers discussed the causes of skyrocketing teen-crime rates. In one of the largest longitudinal studies of violent youth, scientists followed about 4,000 youngsters in Denver, Pittsburgh and Rochester, N.Y., for five years. By the age of 16, more than half admitted to some form of violent criminal behavior, says Terence P. Thornberry, the principal investigator in Rochester and a psychologist at the State University of New York in Albany. "Vi

GUNS AND HOMICIDES



- Between 1987 and 1991, juvenile arrests for weapons violations increased 62%.
- One out of 5 weapons arrests in 1991 was a juvenile arrest.
- Black youths were arrested for weapons-law violations at a rate triple that of white youths in 1991; they were victims of homicides at a rate six times higher than whites.

SOURCES: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, U.S. JUSTICE DEPT., FBI

PHOTO BY RON LEVY – GAMMA LIAISON

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olence among teenagers is almost normative in our society," Thornberry told the conference. But not all violent teens were the same: the researchers found that 15 percent of the sample were responsible for 75 percent of the violent offenses.

'Risk factors': What made the bad kids so bad? Thornberry and his colleagues identified a number of "risk factors" in the youths' background. "Violence does not drop out of the sky at age 15," Thornberry says. "It is part of a long developmental process that begins in early childhood." Kids who grow up in families where there is child abuse and maltreatment, spouse abuse and a history of violent behavior learn early on to act out physically when they are frustrated or upset. Poverty exacerbates the situation. Parents who haven't finished high school, who are unemployed or on welfare, or who began their families while they themselves were teenagers are more likely to have delinquent children. In New York and other big cities, counselors who work with delinquent youths say they see families with a history of generations of violence. Angela D'Arpa-Calandra, a former probation officer who now directs the Juvenile Intensive Supervision Program, says she recently had such a case in Manhattan family court. When she walked into the courtroom, she saw a mother and a grandmother sitting with the 14-year-old offender. "I had the grandmother in criminal court in 1965," D'Arpa-Calandra says. "We didn't stop it there. The grandmother was 14 when she was arrested. The mother had this child when she was 14. It's like a cycle we must relive."

Problems in school also increase the likelihood that the youngster will turn to violence, the study found. People who work with young criminals report that many are barely literate. Learning disabilities are common among teens in the probation system, says Charnotel Polite, a Brooklyn probation officer who supervises 30 youthful offenders. "I have 15- or 16-year-olds in ninth or 10th grade whose reading levels are second or third grade."

Thornberry says the most effective prevention efforts concentrate on eliminating risk factors. For example, students with learning problems could get extra tutoring. Parents who have trouble maintaining discipline at home could get counseling or therapy. "Prevention programs need to start very early," Thornberry says, maybe even before elementary school. "Waiting until the teenage years is too late."

After a while, life on the streets begins to feel like home to older teenagers. Joaquin Ramos, a 19-year-old member of the Latin Counts in Detroit, says he spends his time "chillin' and hanging" with the Counts when he's not in jail. He's spent two years behind bars, but that hasn't made him turn away from the gang. The oldest of seven children, he never met his father, but he has been told that he was a member of the Bagly Boys, a popular gang a generation ago. Ramos began carrying a gun when he was 9; he became a full-fledged Count at the age of 13. He has watched three good friends — Bootis, Shadow and Showtime — die in street wars.

Bootis was shot when he left a party. "I looked right into his eyes and it looked like he was trying to say something," Ramos recalls. "There was snow on the ground and the blood from the back of his head was spreading all over it. Another buddy tried to lift his head but the back of it was gone. He had a small hole right in the middle of his forehead. And then he was gone. He died. That was my buddy. We were real tight." He adds, "Would you say in the story that we love him and miss him and Shadow and Showtime, too?"

Some kids do manage to leave gang life, usually with the help of a supportive adult. William Jefferson, now 19, quit the Intervale gang in Boston's Roxbury section after he was shot. "My mom talked to me and told me I had to make a decision whether I wanted to do something with my life or stay on the street and possibly get killed." He started playing basketball and football at school; then he had to keep up his grades to stay on the teams. Last month he became the first of his mother's four children to graduate from high school. He plans to enter junior college this fall. Now, he says, he'll behave because "I have a lot to lose."

Two lives, two different choices. At the risk of sounding melodramatic, Joaquin Ramos and William Jefferson represent different paths for a generation at risk. The young men made their own decisions, but clearly they were influenced by those dear to them: for Ramos it was the gang, for Jefferson, his mother. Day by day, block by block, these are the small judgments that will end up governing our streets. There is little reason to be very optimistic.

With DEBRA ROSENBERG in Boston,
LUCILLE BEACHY in New York, PETER ANNIN
in Houston, SHAWN D. LEWIS in Detroit,
JEANNE GORDON in Los Angeles, PETER KATEL
in Miami and MELINDA LIU in Washington

[illegible]

'You don't have to be in a gang to be shot . . .': Rodriguez, 14

FT. LAUDERDALE

Bobby Kent, the 20-year-old son of a stockbroker, was killed near a quarry pond July 14, his body stabbed, his head smashed with a bat. Police arrested six youths. One of them was his ex-girlfriend, another a former pal.

Donald Danny Semenick, 18
Martin Joseph Puccio Jr., 20
Lisa Marie Connelly, 18
Derek Leon Kaufman, 20
Derek George Dzvirko, 19

PHOTOS BY FT. LAUDERDALE SUN-SENTINEL

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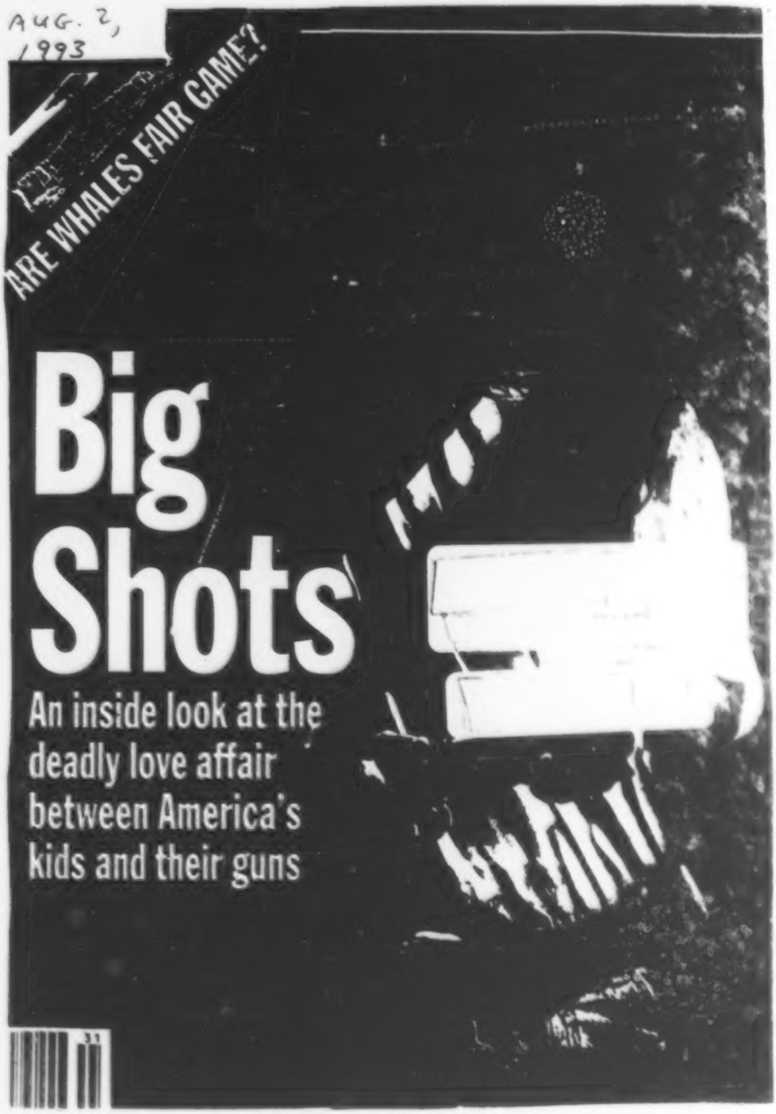
AUG. 2,
1993


ARE WHALES FAIR GAME?
Big Shots
An inside look at the deadly love affair between America's kids and their guns
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AND HIS GUN

the young are packing weapons in a deadly battle against fear and boredom

By JON D. HULL OMAHA

DOUG WASN'T EVEN THAT NERVOUS WHEN HE FINALLY GOT HIS GUN. JUST AWFULLY SELF-conscious and kind of giddy, like when he first started making out with girls. A classmate at Father Flanagan High School gave him the beeper number of a dealer in town. An older guy, maybe in his early 30s, answered the page. "Meet me in the parking lot behind the McDonald's at 30th and Ames. Tuesday night, say around 8."

Doug* took his older brother's Ford pickup truck, which has a nice deep rumble and gives Doug's budding tough-guy image some clout. With a blue baseball cap tipped low over his eyebrows, the slightly built sophomore waited in the parking lot, smoking Kools one after another and staring awkwardly at other male customers as they stepped out of their cars. Finally, one man nodded slightly in reply and waved Doug over to his car. Doug walked slowly, attempting a saunter. The man popped his trunk open, and Doug peered inside at a shiny pile of handguns and rifles. Silently, he counted the money in his pocket, suddenly wishing to hell he'd brought more. He stared at the weapons. They said: Power. Authority. Respect. All at entry-level prices.

With only $25 in his wallet—earnings from mowing a few lawns—he quickly settled on a used Remington semiautomatic 12-gauge shotgun. He was pleasantly surprised by its heft as he slid it into a canvas bag and scurried back to his truck. At 16, Doug was finally a force to be reckoned with at Father Flanagan High, in his white, working-class neighborhood of Benson and on the streets of Omaha. "If you have a gun, you have power. That's just the way it is," he says. "Guns are just a part of growing up these days." Doug felt older already. With the radio blaring heavy metal, he smiled all the way home.

That evening, while his parents watched television, Doug sneaked into the garage and got his Dad's hacksaw. Carefully selecting a spot along the barrel, he began to cut. He was amazed at how easily the blade sliced through the metal. Smoothing the end with a metal file, he then cut the stock, reducing the gun by almost 2 ft. in length and transforming it into the weapon of choice among many teenage toughs: a pistol-grip, sawed-off shotgun, which he pronounces almost as one word. "Easy to hide and no need to aim. Just *boom!* and you clear the room," he says. Returning the gun to the canvas bag, he hurried back to his room, paused briefly to consider a hiding place, and then slid the weapon under his mattress before joining his parents for dinner.

GUN GLUT: A buyback offer brought in 1,124 weapons, some from juveniles.

Getting the gun was the easy part. Firing it for the first time was terrifying. "Hell, it was pretty beat up, and I didn't know if it would jam or something," says Doug. "I mean, how was I supposed to know whether the damn thing would just blow up in my face because it was busted and maybe that's why the guy sold it to me in the first place?"

Doug and his friend Scott, 15, debated this problem for several days, turning the shotgun over and over in their hands, carefully inspecting and cleaning every part. They bought a box of shells from a friend and practiced loading and unloading the gun. Finally one Saturday, they drove out of town and headed for the countryside. "We didn't know quite what we were going to do until we found this tree near a cornfield that was split right down the middle into a V," says Doug. He loaded one shell and carefully worked the gun into the crotch of the tree until it fit tightly. Then, while both boys crouched behind the sides of the tree, Doug reached around to the gun, felt for the trigger, closed his eyes and squeezed. "I just love that sound," he says.

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*Where only first names are used, they are pseudonyms.

In four months, Doug figures, he's done nine drive-by shootings, aiming mostly at cars and houses. "It's basically revenge, that sort of thing," he says. Like when he shot five times at a truck that belonged to the boyfriend of a judge's daughter—a roundabout response to the judge's conviction of several of his friends for various offenses. "I'm not actually aiming at anybody," he says. "But once my older brother missed a baby's head by a quarter of an inch. It was in all the news."

The roar of Doug's shotgun is the sound of a growing national tragedy. America's easy availability of guns and the restlessness of its youth have finally collided with horrific results. Gunshots now cause 1 of every 4 deaths among American teenagers, according to the National Center for Health Statistics. Bullets killed nearly 4,200 teenagers in 1989, the most recent year for which figures are available, up from 2,500 in 1985. An estimated 100,000 students carry a gun to school, according to the National Education Association. In a survey released last week, pollster Louis Harris found alarming evidence of a gun culture among the 2,508 students he polled in 96 schools across the U.S. Fifteen percent of students in the sixth through 12th grades said they have carried a handgun in the past 30 days, 11% said they have been shot at, and 59% said they know where to get a gun if they need one.

But even the worst schools are safer than the streets, which is why summer is the deadliest season. For many teenagers, with their undeveloped sense of mortality and craving for thrills, gunplay has become a deadly sport. "You fire a gun and you can just hear the power," says Doug. "It's like *yeah*!"

Not long ago, many Americans dismissed the slaughter as an inner-city problem. But now the crackle of gunfire echoes from the poor, urban neighborhoods to the suburbs of the heartland. Omaha, with a population of 340,000, is just an average Midwestern city, which is why the story of its armed youth shows how treacherous the problem has become. The Omaha neighborhood of Benson, a tidy grid of suburban-style homes on the northwest side, has been taken by surprise. Three dozen shaken parents and troubled teenagers gathered on a rainy Tuesday night in May at the Benson Community Center, bracing for summer's onslaught and groping for solid ground in a world where cruising can include drive-by shootings and where a semiautomatic handgun can be the most exciting thing in a boy's life, the 1990s equivalent of a shiny new bicycle. "My son was shot last summer," announces Chris Messick, a mother of three. "They almost shot his head off."

"If you have a gun, you have power," says Doug.

MIKE SPENCER, A DIVORCED FAther of two, rises slowly to speak but the tears flow before the words. He stammers, "What in God's name are you kids doing with your lives?" In the corner, seven young men sink lower and lower in their chairs, their faces disappearing beneath an assortment of baseball caps. Spencer is too upset to say any more. Joseph Henry, a father of six, stands up. "I've been to four funerals in North Omaha, all kids," he says. "Can't young people get together without slaughtering each other?"

The question preoccupies assistant police chief Larry Roberts, who has been on the Omaha force for 20 years. He says the big surge in youth violence started in 1986, when gang members from Los Angeles moved eastward to colonize smaller cities. Now teenagers throughout the area try to match the firepower of the gang members. "If one kid brings a little .22-cal. pistol and the other has a .357 Magnum, then guess who has status," Roberts says. The gunplay spread quickly beyond the gangs. "For some reason this particular generation of kids has absolutely no value for human life," he says. "They don't know what it is to die or what it means to pull the trigger."

Yet many have seen by first hand experience. Jennifer Rea, 15, allegedly shot to death her two younger sisters one afternoon last March with a .22-cal. pistol. Carlos Fisher, 16, put a .38-cal. pistol to his head in May while playing with some friends at his house and pulled the trigger, killing himself. Police believe he either was playing Russian roulette or assumed the gun was unloaded. Travis Hogue, 18, is accused of shooting and killing Nikki Chambers, 19, a male rival, in the rest room of a McDonald's in April with four shots from a .38.

LIFE OF THE STREETS
Omaha police question 8 suspected gang members.

"Guns are just a part of growing up these days."

Mayor P.J. Morgan and other community leaders take offense at any suggestion that Omaha is dangerous. Compared with most American cities, it is not. So far this year, 16 residents—about half of them juveniles—have been murdered, which is just a bad weekend in Los Angeles. But if the battle against youth violence can't be won in Omaha, which has an unemployment rate of only 3.3%, the rest of the nation is in for trouble. So far that battle is being lost. On any Saturday night, Omaha's police radio betrays the city's image as a bastion of conservative heartland values. "Caller reports two youths with guns in a parking lot. . . . Anonymous caller reports shots in her neighborhood. . . . Drive-by shooting reported. . . . Officer reports at least 10 shots. . . . One young male wounded by gunfire."

In Doug's ramblings with his sawed-off, he has peppered his neighborhood with shotgun pellets. He can't explain why he shot the dog. "What does it matter?" he asks with a shrug. Late one evening last March, he and a few friends crept up to a house and took several potshots. "I saw this dog sitting on a couch in this big window above the front porch, so I just shot him." Doug's expression is devoid of remorse or bravado as he drives by the brown, two-story house, recounting the incident one afternoon. A teenage girl with long brown hair sits on the porch reading. The outer walls of the house are still pocked with pellet holes. "I'm not sure what kind of dog it was, but he fell out the window and onto the porch," says Doug. "I could hear him yelping as we ran away."

Doug isn't really sure how he and his friends graduated from Wiffle ball—once their favorite game—to guns. "My older brother was into guns, so I've been around this stuff since I was about 13," he says. Both his parents work, and his father is a recovering alcoholic. Doug says that before his dad stopped drinking three years ago, "it was always really violent around my house."

Sometimes the guns are for protection, a youngster's seemingly prudent response to the small-arms race among his peers. But often, guns and gunfights are just a defense against the inexplicable despair that torments so many American teenagers. While the basic destructive impulses of rebellious young men remain unchanged, the methods of rebellion are now far more dangerous. Today's miscreants know that a pistol says much more than long hair or a pierced nose ever could. Not just louder, but forever. With a $25 investment, all the teasing from classmates stops cold. Suddenly, the shortest, ugliest and weakest kid becomes a player.

SAYING NO TO GUNS IS STILL EASY for any self-respecting teenager with a little sense, but dealing with guys who do have guns is an excruciating business. Steve, 14, stopped walking home alone from school last year when many of his fellow seventh-graders at Hale Junior High started talking up guns. "Some guys just started to change. It became cool to say you could get a gun," he says. "Nobody messes with you if they even think you may have a gun." Polite, clean-cut and still displaying the awkwardness of adolescence, Steve says he lives in almost constant apprehension. "Oh boy, summer is really the worst," he says. "You always have to deal with troublemakers who will push you around for no reason, but now it's really scary. I know I look like a fool if I get in an argument and walk away, but these days it's too dangerous to fight."

Some days, guns are just a defense against boredom that comes from a lack of guidance and direction. Asked to name a single hobby, Doug, who is remarkably guileless for a gunslinger, is stumped. He concedes the craziness of him and his classmates shooting at one another, but wonders how it could be any different. "Parents just don't understand that everything has changed," he says. "You can't just slug it out in the schoolyard anymore and be done with it. Whoever loses can just get a gun."

Doug looks for affirmation of his own violent impulses in such movies as *South Central* and *Boyz 'N the Hood*. He misses their point, embracing the life-style they portray rather than heeding any cautionary tale they offer. His favorite book is *Do or Die*, an account of the lives of gang members in Los Angeles. "If there were more books like that, I'd read a lot more," he says, without a hint of sarcasm.

Doug floors his Ford truck through a yellow light, turns sharply and then slows, carefully checking out the other cars as he cruises the largely white working-class neighborhoods of Benson. He points to a light blue, wood-frame house. Dozens of pellet holes from two shotgun blasts scar the wall on either side of the front door. In the driveway, an elderly man tinkers with a blue Chevy Caprice, which is also riddled

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"People think we are just punks and farmers in Omaha, but they're wrong."

with holes. Doug drives by slowly, confident he won't be recognized. "We did that three months ago. Monday night about 2 a.m. me and six other guys just fired from the street." He shakes his head. "That old man's son has a problem with stealing cars." Doug puts an Ice-T disc on his car CD player and cranks up the volume. "There's a lot of rappers that make a lot of sense," he says. His friend Scott nods reverently. But neither Doug nor Scott can explain what the songs mean to them. While the lyrics may address inner-city issues, the tone resonates among white teenagers like them simply because it's the angriest stuff on the market.

"Now, let's say we were going to shoot that house," says Doug, pointing down the street. "Just about now I'd cut the lights and slow down. Then bang, bang, bang, and I'd punch it out of there." The truck lurches forward. Doug turns the stereo louder.

Most Omaha residents used to dismiss teenage gunplay as a problem confined to the north side of Omaha, which is largely black and poor. That comfortable notion was shattered last August by a seven-minute fire fight among mostly white teenagers in Benson. "I've lived in this area all my life, and now boys are shooting at each other for the hell of it," says Bonnie Elsman, a single mother in the neighborhood. "I now realize that I owe the blacks in Omaha an apology for ignoring all the shootings because I thought it was just their problem. I could just weep for these kids."

Especially for her son Jeff, an only child. He was one of the shooters last summer during the gun battle at 61st and Sprague, part of a tree-lined neighborhood of neatly kept, working-class houses. "We were just planning on a big fight, like a rumble, when six cars came cruising down the street and the shooting started," says Jeff, 20, whose quick and warm smile defeats even his best efforts at posturing. He ran inside a house, grabbed his .32-cal pistol and returned fire. Another friend retrieved a mini MAC-10, a semiautomatic he had hidden in the bushes, while a third pulled out a .22-cal rifle. "That mini MAC saved us," says Jeff, who blindly blazed away at the cars, which circled the block three times. Seven minutes later, two youths lay wounded, one seriously. Neighboring houses were riddled with bullets; one car had 14 puncture holes. "It's weird nobody died," Jeff says. He pauses, running his hands over his neatly shaved head. "I never really did learn to shoot too well."

Not for lack of trying. Jeff's life came apart in adolescence. "I don't know what happened," says Bonnie. "He was such a beautiful child. He still is my beautiful child. But he got so angry." After he was kicked out of Monroe Junior High for misconduct, Bonnie sent him to Boys Town for three years. But Jeff grew more rebellious. He got his first gun, a .25-cal. semiautomatic, in his mid-teens. A year later, he dodged his first bullet; after a fistfight, his opponent returned with a rifle and opened fire. That same year, he did his first drive-by. "We shot at a house, just to let them know that the games were over," he says. Although he doesn't believe he ever hit anyone, he confesses that "one

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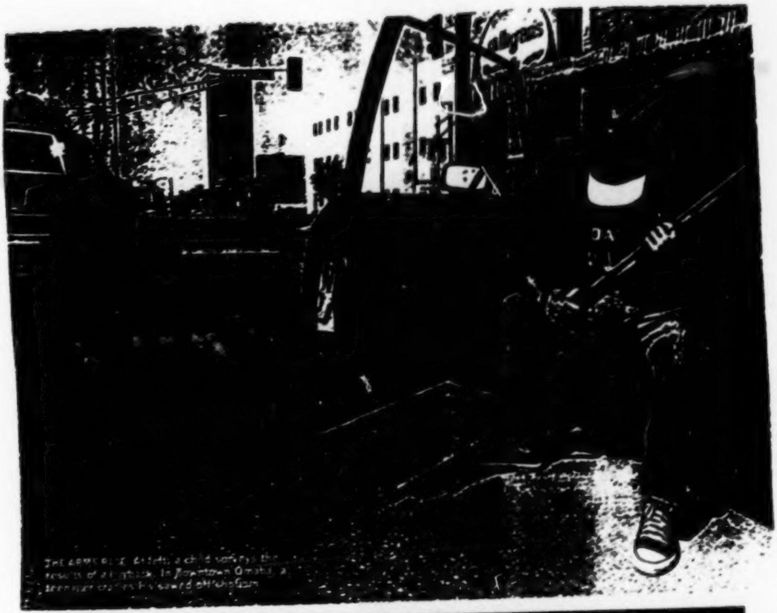

THE ARMS RACE: At left, a child surveys the results of an attack. In Downtown Omaha, a teenager cradles his sawed-off shotgun.

says Tony. "A lot happens here. It's just a smaller scale than L.A."

time we almost hit a four-year-old girl by mistake."

Two years ago, Jeff paid $50 to a friend for the stolen .22-cal. pistol he used in last summer's shoot-out. After the gunfight, he tossed it in a lake and bought a 12-gauge, sawed-off shotgun. "You feel invincible with a weapon," he says. In April he was arrested for possession of a .410-gauge shotgun, and now faces felony charges.

ALL IN ALL, JEFF DOESN'T CONSIDER himself a violent guy, notwithstanding several broken noses. "I don't have a quick temper, but if I'm mad, I'm mad for three weeks," he says, which is a long time in the life of an armed youth. He graduated from Benson High School last year and works digging fence holes while awaiting trial. "I'm trying to stay away from guns now, but it's like everybody has them. Guys will be like, 'I've got a 9mm,' and you've only got a peashooter. Or they'll brag that my brother has a MAC-10." As crazy as it's getting, I think it should be illegal to have a gun," he says.

Bonnie didn't realize that her son was involved with guns until last summer. In June, after Jeff and some friends were shot at in a drive-by, they jumped into a Jeep and went looking for the assailant's car. When they found the car parked in front of a rival's house, Jeff's friend jumped out and pounded on it with a wooden club. But just as they were about to leave, someone crept up and fired a shotgun blast through the back of their Jeep. Jeff ducked, and his friend was hit in the back and shoulder.

It was the shoot-out in August that really got Bonnie's attention. She decided to fight back, and formed the Benson Youth-Parent Association, which chaperones parties and patrols the streets. "There are drive-bys all the time," she says. "They don't even make the newspaper." Bonnie patrols Benson with a police scanner, banking on her belief that mothers still enjoy some diplomatic immunity on the streets. "If I won a million dollars tomorrow, I'd buy a few buses, fill them with kids and flee Omaha," she says. Flee where? "I hadn't thought of that," she responds.

The mayhem has spawned another group, MAD DADS, which stands for Men Against Destruction—Defending Against Drugs and Social Disorder. They start praying about 10 o'clock every Friday night, just before they hit the streets armed with two-way radios, police scanners, video cameras and a gutsy determination to stop kids from shooting one another. Seven men and two women bow their heads around a small table in the one-story, cinder-block command center in a rough part of town, hoping for peace, or at least enough calm to keep kids off the streets for one more night. "The hour is getting late, and our children need us," says John Foster, a vice president of the city employees union, who founded the group four years ago after his son was badly beaten. The prayer is interrupted by the sound of a gunshot, followed shortly by the wail of an ambulance. Foster shakes his head. "It's becoming so common," he says.

"It's so sad. I remember when you could settle things

"Some of our young people are turning into cold-blooded killers."

Two weeks later, as Foster patrols the largely black, working-class neighborhoods in north Omaha, a gunshot crackles through the air. Foster turns the corner. A mother and three children run toward his car. "Some kids are shooting at people just down the street there," says the woman, pointing nervously. Foster circles the block, slowing as he approaches a pack of kids mingling in front of a house. "We were just having a party, a birthday party," says one, "when these guys drove by and start shooting at us." Twenty minutes later and only blocks away, Foster comes upon a teenage boy being treated by an ambulance team for a gunshot wound in the arm. "It's so sad," he says. "I remember when you could settle things with fisticuffs. Man, that's antiquated now."

THE MAD DADS SPONSORED TWO gun-buyback programs last winter, offering up to $50 for a working weapon, with no questions asked. On both days, they ran out of money within half an hour. Total haul: 500 guns, some turned in by juveniles. "It amazed me," says C.R. Bell, president of the Greater Omaha Chamber of Commerce. In May MAD DADS staged another buyback after sending 100,000 flyers to nine school districts. The take: 1,124 guns, which will be welded into a monument by a local artist. Among them was Doug's 12-gauge shotgun. "I figured it was a safe way to get rid of it," Doug says. "I did a lot of crazy things with that gun, and I didn't want to get caught with it." He plans on getting a handgun next.

The birds disappeared from Tony's neighborhood in central Omaha when he was in the fourth grade, shortly after he got his first BB gun. "I guess I shot a lot of animals," he says sheepishly. Now he totes a sawed-off, 20-gauge, pump-action shotgun he bought for $20 last January from a 16-year-old friend. "The grip was broken, so I got a good price," the 17-year-old says proudly. He doesn't shoot birds anymore, but he fires an occasional salvo into the night sky around Omaha. "Sometimes I just feel like busting it, you know. I just want to pull the trigger and bow!"

An only child, Tony has not seen his father since he was five. He is very protective of his mother, a social worker. "I told her she should get a .380, but she doesn't like guns," he says. A senior this fall at Central High with plans to go on to college, Tony doesn't do drugs because he doesn't want them to interfere with his performance on the football team. He spurns gangs and tough-guy behavior, but feels he needs the gun. "It's not a macho thing for me," he says. "I mean, I'm not into fighting, and I ain't going to shoot anybody. But when you have a gun, you feel like can't nobody get you. You can't get got."

Tony's mom learned he had a gun one Saturday night last May. "I got home around 2 a.m., which is when I'm supposed to be in, and my mom says, 'Harry inside, there's shooting going on.' I didn't believe her because we rarely have shooting in our neighborhood, but I wasn't going to take any chances, so I turned off all the lights and got my shotgun from under my bed. She wasn't too happy about it, but she's not going to take it away from me."

Tony wants it known that he is not nearly as wild as his friend, Mike, who admits to a quick temper and a violent streak. Raised alternately by his divorced mother and father in Omaha, Mike was 16 when he first saw someone get shot. "It was at a party," he says. "This guy was hit in the chest with a .25. He just dropped." So far, Mike claims, he's been shot at five times, including the big gunfight last August, which persuaded him not to travel unarmed. "Sometimes you need a gun to get out of a situation," he says. "You could be in a parking lot just kicking it, and people start shooting."

Mike started carrying a gun to school at Central High last winter. "I wasn't trying to be hard or anything. It was just for protection," says the lanky 18-year-old, who wears three gold earrings and favors a black baseball cap emblazoned with a marijuana leaf. "I don't know why, but stuff just started getting hectic, real rough. I mean you can get jumped for no reason." The small, .25-cal. Raven pistol, which he bought from a friend, fit snugly in the pocket of his winter vest. He even took it along to his telemarketing job after work, where he earns $6.50 an hour manning the phones. He says, "If people know you have a gun, they just don't mess with you."

Mike got caught last April after running into a friend who had some pot in the school parking lot. "We smoked a joint," says Mike, who had his pistol in the right-hand pocket of his jacket along with two clips, one full and the other empty. As he entered the school, a rubbery smile on his face, a security guard stopped him and took him to the principal's office. "They

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FIGHTING BACK [illegible]

fisticuffs. Man, that's antiquated now."

know I was high, and I was being a dick," he says. "They told me to empty my pockets, and I was like, man, everything hit me. I was like, (____, I messed up!" At the police station, Mike wolfed down a pizza and promptly fell asleep.

THE HIGH SCHOOL EXPELLED MIKE, and the court put him on probation for one year. He transferred to Father Flanagan High and managed to graduate in May. Like Tony, he intends to go to college and considers all the gunplay just a part of growing up. "I'm a pretty normal guy," he says earnestly. "I like to water-ski and read Stephen King books and stuff." He proudly announces that he owns three different kinds of Bibles, which he likes to study. He says he prays every night. After his arrest, Mike's parents were supportive and enrolled him in therapy. "My counselor says I'm susceptible to peer pressure," he says. "I'm trying to work on that."

On a Saturday night in June, Mike and Tony cruise the town in Tony's six-year-old Ford subcompact. The windows are down, and the tape deck blasts one of their favorite songs, *Six Feet Deep* by the Geto Boys, a Houston rap group. Tony rocks back and forth to the music. Mike wonders out loud how many kids are going to get shot this summer. "I bet one of our friends is going to get it," says Tony, who is wearing a Green Bay Packers cap and an Oakland Athletics shirt. "All the gun stuff used to be fun, but now it's old. You can't even go to a party without worrying about being shot. Someone's always got a gun." Mike agrees and mentions the need to bring along friends: "You've got to go deep."

They drop by Mike's two-story white house in a nice neighborhood in northwest Omaha, where he lives with his dad, so he can change baseball caps and grab some more tapes. "You have, like, a home life and a street life," he explains. "I'm so different at home you wouldn't believe it." Back in the car, they slow down occasionally to reach out through the windows and slap hands as they pass friends who are hanging out. "People think we are just punks and farmers in Omaha, but they're wrong," says Tony. "A lot happens here. It's just a smaller scale than L.A."

Mike nervously taps his fingers against the dashboard and then turns down the music. "Don't you think it is going to be pretty crazy this summer?" he asks, with a mixture of fear and excitement. "*Real* crazy," says Tony, who plans to sell his shotgun and get an easier-to-hide .38-cal. pistol. Mike stares out the window, worrying about how his probationary status will leave him unarmed. "Man, Tony," he says, shaking his head slowly. "I just don't see how I'm going to get through this summer without a gun."

Norman Johnson carries no gun anymore, but for a different reason. One afternoon last May, as he rode in the backseat of his cousin's Ford Escort on a city street, a car pulled up and the occupants opened fire. "I was just laying in the backseat, you know, resting, when my friend says there's a car right on our tail. Next thing you know, I felt this incredible shock. No noise, just shock." A bullet slammed into the back of Johnson's neck, crushing two vertebrae. "I looked up, and I saw bullet holes in the window," he says, speaking in a raspy voice and pausing frequently to gasp for air. "I looked down at my body, and, well, I didn't feel anything."

Almost completely paralyzed from the neck down, Johnson, who is 6 ft. 3 in. and 20 years old, spent the first month after the shooting on a breathing machine. He lost 50 lbs. Between hours of physical therapy each day, Johnson has had plenty of time to rethink his attitude toward guns.

The youngest of six and a high school dropout, Johnson drifted into gangs for support and identity. Asked why he was shot, he says, "It's a long story," which means someone was out for revenge. Recalling the streets, he tries to cling to some of his former toughness. "I guess I was just in the wrong place at the wrong time," he says. "It could happen to anyone." But that's not enough. "Sometimes it's so hard," he whispers. "I get high temperatures and real sweaty, and I get these pains." He breathes on his own through a hole in his trachea, which a nurse closes with a plug when Johnson wants to talk. "At first I wanted to die. Now I'm happy to be alive, but I just want to get more feeling back." His voice is meek, beaten, almost hollow. When talk turns to football and basketball, he makes gulping, swallowing noises. Among cards and photos taped to the wall of his hospital bed, an old award certificate is proudly displayed. It reads, BANQUET OF CHAMPIONS FOR LITTLE PRO BASKETBALL, BOYS' CLUB OF OMAHA, 1984. "I always loved sports, you know. I mean I was pretty good." He pauses for air. "I had speed," he murmurs. He is too tired to continue. The nurse pulls the trachea plug so he can breathe.

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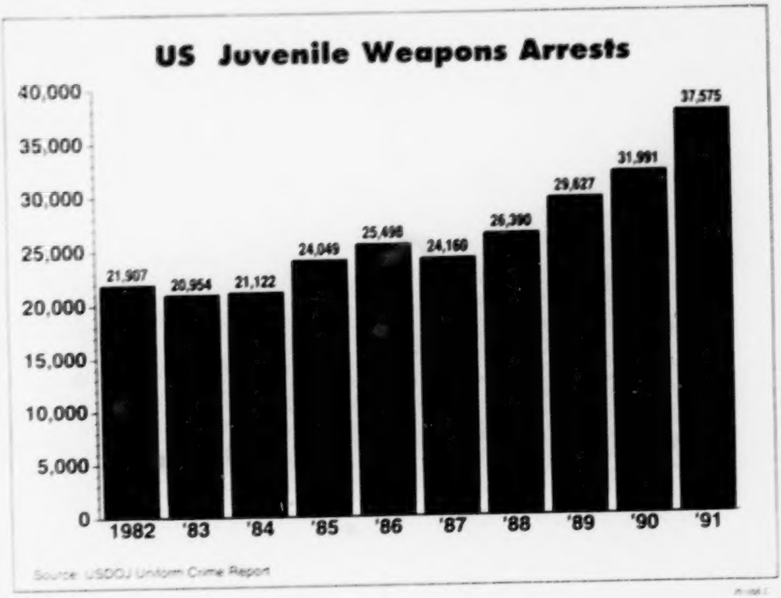
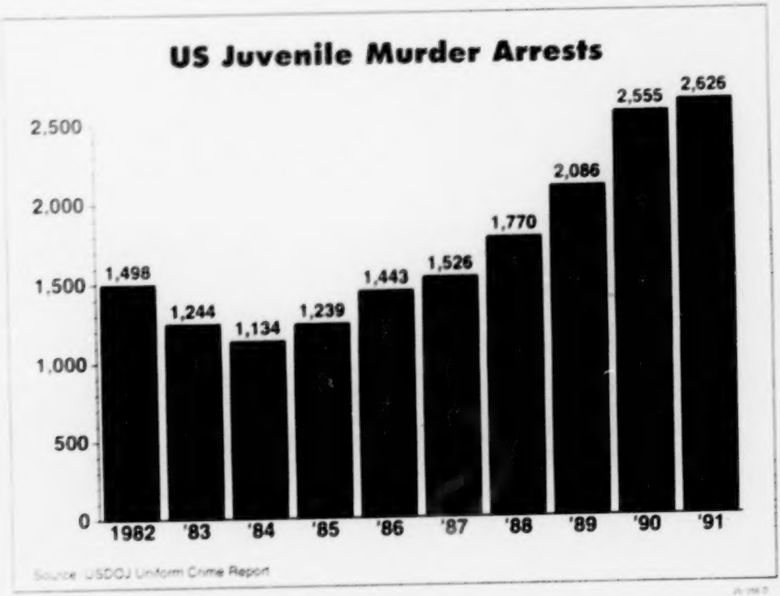


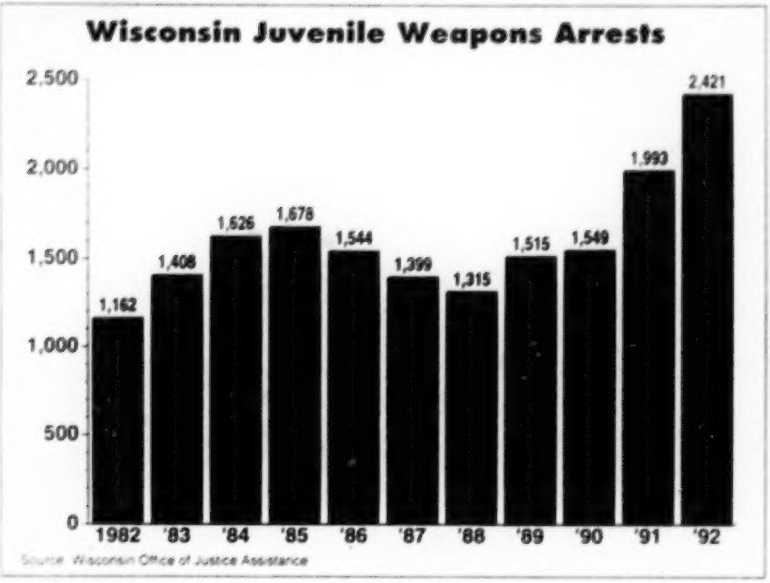
US Juvenile Weapons Arrests

Source: USDOJ Uniform Crime Report



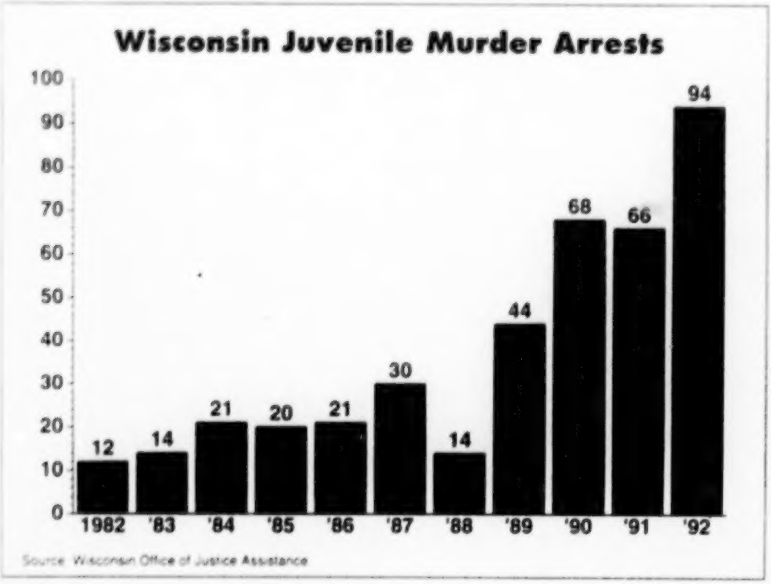
US Juvenile Murder Arrests

Source: USDOJ Uniform Crime Report



Wisconsin Juvenile Weapons Arrests

Source: Wisconsin Office of Justice Assistance



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